



Development Services Department

Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605

(208) 454 7458 • (208) 454 6633 Fax • zoninginfo@canyoncounty.id.gov • www.canyoncounty.org

Sent Via Email

Darin Taylor
1434 New York St
Middleton, ID 83644
Darin.taylor@subdivisionmaker.com

Re: Public Records Request dated July 6, 2023

Dear Mr. Taylor,

This letter acknowledges receipt of your public records request dated and received by the Canyon County Development Services Department on July 6, 2023. (See attached request). Canyon County Development Services Department has researched your request and found the attached records related to your request:

- Signed FCOs for all cases with decisions made since January 1, 2021 in the area near Middleton specified in your request.

A public records request is simply to request saved documents from the county. We are not able to provide the time needed to research the documents. These FCOs will have any conditions required in order to be approved. You may have some success in contacting the highway district involved as well. There are also open cases where no FCOs have been signed or hearing taken place as of today's date. You can access open applications on the Canyon County website by going to the Development Services Department; then clicking on GIS and choosing the Planning & Zoning applications tracker. This interactive map provides the open applications that have yet to be heard or finalized in any area of the county. If you zoom in, you can see the case numbers and parcel(s) involved in the area of interest to you.

If you feel you have been improperly denied the information you requested, you have the right to institute proceedings in the district court of this county within 180-days from the date of this letter to attempt to compel disclosure of the information requested (§ 74-103).

Please feel free to contact our office if you have any questions or concerns.

Sincerely,

Pam Dilbeck

Approved Applications
Exh I-3

Planning • Zoning • Building • Code Enforcement

Dedicated to providing quality, efficient and equitable service to the citizens of Canyon County by planning for orderly growth and development through consistent administration and enforcement of County Ordinances.

Public Records Request

Right To Examine Public Documents

Name

Darin Taylor

Address

1434 New York Street
Middleton, Idaho 83644
United States

Phone

(208) 899-9556

Email

darin.taylor@subdivisionmaker.com

What office/department is your request intended for?

Development Services

Name of Client / Insured (if applicable)**ID, Releases / Authorization, Etc (if applicable)****How Would You Like The Documents Sent?**

via Email

I am requesting copies of the following public records:

Other than Sierra Vista Properties, Inc. - RZ2022-0011:

- 1) all land use application staff reports and findings of fact, conclusions of law and recommendations/decisions/orders by staff and the Hearing Examiner, Planning and Zoning Commission, and Board of County Commissioners since January 1, 2021 that require improvements at State Highway 44 intersections with Duff Lane, Lansing Lane, Kingsbury Road, or Blessenger Road to be constructed and completed to adequately address cumulative impacts.
- 2) all land use application staff reports and findings of fact, conclusions of law and recommendations/decisions/orders by staff and the Hearing Examiner, Planning and Zoning Commission, and Board of County Commissioners since January 1, 2021 that require an applicant to construct, contribute toward, or pay a proportionate share of improvements at State Highway 44 intersections with Duff Lane, Lansing Lane, Kingsbury Road, or Blessenger Road.

Signature**Date**

07/06/2023



Board of County Commissioners
John Cotner – Rezone - RZ2021-0034

Findings of Fact, Conclusions of Law, and Order

Zoning Map Amendment - RZ2021-0034

Findings of Fact

1. John Cotner is requesting a **Rezone** of approximately 26.85 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The subject property, parcel no. R37498 is located on the east side of Lansing Ln., approximately 1384 ft. north of the intersection of Purple Sage Rd. and Lansing Ln., in a portion of the SW¹/₄ of section 27, T5N, R2W, BM, Canyon County, Idaho.
2. The rezone is being considered concurrently with a preliminary plat (including irrigation and drainage) for Hawk View Estates (SD2021-0021). The proposed plat includes 12 residential lots.
3. The subject property is designated "residential" on the Canyon County Comprehensive Plan Future Land Use Map.
4. The property is not located in an area of city impact. The site is located approximately 1384 ft. north of Purple Sage Rd., which is the north boundary of Middleton's Area of City Impact.
5. The subject properties are located within Canyon Highway District No. 4, Middleton Fire District, Middleton School District and Black Canyon Irrigation District.
6. A neighborhood meeting was conducted on April 26, 2021 pursuant to CCZO §07-10-15.
7. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on February 2, 2022. Newspaper notice was published on February 13, 2022. Property owners within 600' were notified by mail on February 14, 2022. The property was posted on February 22, 2022.
8. The record includes all testimony at public hearings, the staff report, exhibits, and documents in Case File No. RZ2021-0034.

Conclusions of Law

For this request, the Board of County Commissioners find and conclude the following regarding the Standards of Review for a Zoning Amendment (CCZO §07-06-05):

1. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is consistent with the future land use map, which identifies the property as residential. The proposed zone change aligns with the goals and policies contained within the 2020 Canyon County Comprehensive Plan

Finding: The property is identified as "residential" on the Canyon County Future Land Use Map; The proposed zone change aligns with the following goals and policies contained within the 2020 Canyon County Comprehensive Plan:

Chapter 1. Property Rights

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Chapter 2. Population

Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close

proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use

Land Use Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Land Use Goal 6. Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.

Residential Land Use Policy 3. Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 8. Public Services, Facilities and Utilities

Policy 3. Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

Chapter 9. Transportation

Policy 13. Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency service purposes.

2. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed zone change is more appropriate than the current "A" (Agricultural) zone.

Finding: When considering the surrounding residential land uses, the proposed zone change is more appropriate than the current zoning designation. The subject property is within an area that contains residential zoning and uses. Within one (1) mile of the site there are 23 platted subdivisions with an average lot size of 2.52 acres. Within 600 ft. of the site the non-platted median lot size is 1.97 acres.

The request to rezone to "R-R" (Rural Residential) is commensurate with the average platted lot size as well as the median within the area.

3. Is the proposed rezone compatible with surrounding land uses?

Conclusion: The proposed use is compatible with the surrounding land uses.

Finding: When considering the surrounding residential land uses, the proposed zone change is more compatible. The subject property is within an area that contains residential zoning and uses. Within one (1) mile of the site there are 23 platted subdivisions with an average lot size of 2.52 acres. Within 600 ft. of the site the non-platted median lot size is 1.97 acres.

The request to rezone to "R-R" (Rural Residential) is commensurate with the average platted lot size as well as the median within the area.

4. Will the proposed use negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed use will not negatively affect the character of the area.

Finding: The proposed use will not negatively affect the character of the area as it is transitioning to rural residential uses. There are 23 subdivisions located within one (1) mile of the site. The platted lots have an average lot size of 2.52 acres, which, is commensurate with the "R-R" (Rural Residential) zoning that is being requested by the applicant. There are residential zoning districts located within close proximity of the site.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed use?

Conclusion: Adequate sewer, drainage, and storm water drainage facilities and utility systems will be provided to accommodate the proposed use at the time of development. Platting as a residential subdivision is required.

Finding: Individual septic systems are proposed for each residential lot. A level I Nutrient Pathogen Study was submitted for the project. The study concluded that Extended Treatment Package systems capable of achieving a nitrate concentration of 16 mg/l will be utilized to treat wastewater on proposed lots. The NP study was also reviewed by Southwest District Health and Idaho Department of Environmental Quality (DEQ). SWDH concluded the subdivision will likely not significantly impact ground water quality downgradient of the proposed sub division.

Individual domestic wells are proposed for each residential lot. A hydrology study completed by the applicant concluded that the addition of 11 new domestic wells will have no impact on current groundwater levels near the subdivision. The anticipated drawdown to existing wells in the area would be less than 0.1 feet within 1000 feet of the subdivision, and less than 0.03 feet at one mile from the subdivision.

Pressurized irrigation is proposed for the development (SD2021-0021) and is required as a condition of approval. Drainage will be addressed via the subdivision plat for this development.

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: The property has frontage on Lansing Lane, a public road.

Finding: The property has frontage on Lansing Lane, a public road. The conditions of preliminary plat approval have been provided (SD2021-0021) in accordance with comments by Canyon Highway District #4 (CHD4). Said conditions shall be met by the developer. The highway district is a signatory on the final plat which will ensure their requirements are met.

7. Does the proposed development require road improvements to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed.

Finding: The request does not create future development that would regenerate over 500 average daily trips. Therefore, CHD4 does not require a traffic impact study. CHD4 requires right of way dedication along Lansing Lane and improvements to be addressed at the time of platting.

8. Will the proposed zone change amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.



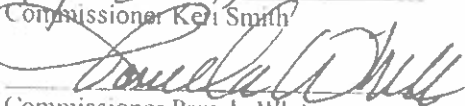
Finding: No evidence has been provided that the proposed use will require additional public funding to meet the needs created by the requested use and police, fire, and emergency medical services will be provided to the properties.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Canyon County Board of County Commissioners **approve** Case #RZ2021-0034, a zoning map amendment (rezone) from an "A" zone (Agricultural) to an "R-R" (Rural Residential) zone for Parcel No. R37498.

APPROVED this 15th day of March, 2022.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY,**

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beck	<u>✓</u>		
 Commissioner Keri Smith	<u>✓</u>		
 Commissioner Pamela White	<u>✓</u>		

Attest: Chris Yamamoto, Clerk

By: M. Reyes
Deputy

Date: 3/15/22



Board of County Commissioners
Jensen – RZ2020-0016
Development Services Department

Findings of Fact, Conclusions of Law, and Order
Rezone – RZ2020-0016

Findings of Fact

1. The applicants, Robert and Lynnette Jensen, are requesting a zoning map amendment (rezone) of Parcel R23913010A from an "A" zone (Agricultural) to an "R-R" zone (Rural Residential). The 5.46 acre property is located at 23148 Stoffle Lane, Middleton; also referenced as a portion of the SW¼ of Section 03, T4N, R2W, BM; Canyon County, Idaho.
2. The 5.46 acre parcel was created via an approved land division in 1999 (LS2003-426). The property has an existing dwelling (ZC2005-3113) and accessory structures (ZC2005-3108/BP2005-696).
3. The subject property is designated as "residential" on the 2020 Comprehensive Plan - Future Land Use Map.
4. The subject property is located in the Middleton Area of City Impact. The subject property is designated as "residential" on Middleton's Future Land Use Map.
5. A neighborhood meeting was held on February 22, 2020 in accordance with CCZO §07-01-15.
6. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agencies were provided notification on December 14, 2020. Full political noticing was completed on October 27, 2020. Newspaper notice was published on December 30, 2020. Property owners within 300' were notified by mail on December 14, 2020. The property was posted on January 7, 2021.
7. The record consists of exhibits provided as part of the public hearing staff report, testimony and any additional evidence submitted during the public hearing on January 14, 2021 and all information contained in Case File #RZ2020-0016.

Conclusions of Law

For this request, the Board of County Commissioners find and concludes the following regarding the zoning amendment (§07-06-05):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

Finding: The Future Land Use Plan in the 2020 Canyon County Comprehensive Plan designates the property and surrounding area as "residential". The property is located in the Middleton Area of City Impact and is adjacent to city limits (Lakes at Telaga and The Lakes Subdivisions). The Future Land Use Plan in Middleton's Comprehensive Plan designates the property and surrounding area as "residential".

The proposed rezone is generally consistent with the following comprehensive plan goals and policies:

- **Property Rights Policy No. 1:** "No person shall be deprived of private property without due process of law."
- **Population Policy No. 3:** "Encourage future population to locate in areas that are conducive for residential living and do not pose an incompatible land use to other land uses."
- **Land Use – Residential No. 2:** "Encourage residential development in areas where agricultural uses are not viable."

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed rezone is more appropriate than the current zoning designation.

Finding: Pursuant to Canyon County Zoning Ordinance (CCZO) §07-10-25(2), the purpose of the "R-R" zone is "to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable." The applicant is requesting the "R-R" zone to divide the property into a total of two parcels which is the maximum allowed under the requested zone based on the existing 5.46 acre parcel size. The result will create an average lot size of 2.73 acres.

The property and surrounding area are zoned "A" (Agricultural). The Future Land Use Plan in the 2020 Canyon County Comprehensive Plan designates the property and surrounding area as "residential". The Future Land Use Plan in Middleton's Comprehensive Plan designates the property and surrounding area as "residential".

The following zoning map amendments have been approved within the general area:

- RZ2018-0005 (Parcels R22365600 & R22365601): "A" to "R-R" (Rural Residential) zone (5.26 acres). Located approximately 600 feet west of the subject property.
- PH2017-56 (R33969010): "A" to "R-1" zone (20 acres). In 2020, the parcel was approved as Linfield Estates Subdivision (SD2018-0002). Located approximately 1,300 feet east of the subject property.
- PH2013-16 (R33969): "A" to "R-R" zone (approximately 20 acres). Located approximately 1,900 feet east of the subject property.
- RZ2020-0014 (R33835011): "A" to "R-1" zone (4.76 acres). Located approximately 2,100 feet north-west of the subject property.

Although the property is zoned "A", the area is predominantly residential in character. Within a one-mile radius, there are 29 subdivisions with an average lot size of 1.81 acres. The property is surrounded by the following residential subdivisions:

- Lansing Meadows Subdivision (2002): The subdivision has 47 residential lots. Approximately 18 of the residential lot are one acre or less.
- Schreiner Estates (1998): 20 lot subdivision with a two (2) acre average lot size.
- Linfield Estates (2020): 13 lot subdivision with a 1.52 acre average lot size.

The property contains best-suited soils and is considered prime farmland. The property is not currently used for agricultural purposes and does not have an agricultural tax exemption. Given the size and location (surrounded by residential subdivisions), the requested rezone is more appropriate.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The proposed rezone is compatible with the surrounding land uses.

Finding: The area is predominantly residential in character. Within a one-mile radius, there are 29 subdivisions with an average lot size of 1.81 acres. There are no agricultural uses surrounding the property. The property is surrounded by the following residential subdivisions:

- Lansing Meadows Subdivision (2002): The subdivision has 47 residential lots. Approximately 18 of the residential lot are one acre or less.
- Schreiner Estates (1998): 20 lot subdivision with a two (2) acre average lot size.
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- RZ2020-0014 (R33835011): "A" to "R-1" zone (4.76 acres). Located approximately 2,100 feet north-west of the subject property.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed rezone will not negatively affect the character of the area.

Finding: The request is consistent with the residential development and character that exists in the area (See Findings B & C for more details).

Upon review by affected agencies, no issues or impacts were found regarding this request. No comments were received from neighbors.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?

Conclusion: Adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided to accommodate the proposed rezone.

Finding: Staff has not found that there will be issues with the rezone in regards to adequate water, sanitary, irrigation, drainage and storm water drainage facilities. Affected agencies did not find any issues that cannot be addressed at the time of subsequent development.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: Legal access exists via a private road, Stoffle Lane.

Finding: Access to the property is provided via a 60' shared access easement established during the initial land division approval in 1999 (LS2003-426). The private road access begins west of the unmaintained public road, also named Stoffle Lane. CHD4 does not have any records of the shared easement to the subject property. However, the initial land division approval creating Parcels R23913010 and R23913010A (LS2003-426) created a 60' shared access easement through parcel R23913011 (Instrument #9912575, #9905957 and #2020-013808). If approved, the shared access shall meet current shared access/private road standards (CCZO §07-10-03) at the time of subsequent land division application submittal.

G. Does the proposed zoning map amendment require road improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The proposed rezone will not require roadway improvements to provide adequate access to and from the subject property.

Finding: Canyon Highway District #4 and Idaho Transportation Department (ITD) do not oppose the request or find the request to impact the existing road systems.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

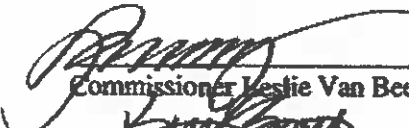
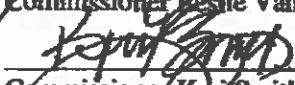
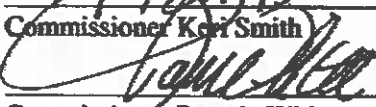
Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: All affected agencies including Canyon County Ambulance District, Middleton School District, Canyon County Sheriff, Middleton Mill Ditch Company and Star Fire Department were notified of the request. No comments were received regarding impacts to essential services.

Order:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein, the Board of County Commissioners approves Case #RZ2020-0016, a rezone of Parcel R23913010A from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone.

APPROVED this 14 day of January, 2021.

	<u>Yes</u>	<u>No</u>	<u>Did Not Vote</u>
 Commissioner Leslie Van Beek	<u> </u>	<u> </u>	<u> </u>
 Commissioner Keri Smith	<u> ✓ </u>	<u> </u>	<u> </u>
 Commissioner Pamela White	<u> ✓ </u>	<u> </u>	<u> </u>

Attest: Chris Yamamoto, Clerk

By: _____
Deputy



Date: 1/14/2021



Findings of Fact, Conclusions of Law, and Order
Rezone – RZ2020-0016

Findings of Fact

1. The applicants, Robert and Lynnette Jensen, are requesting a zoning map amendment (rezone) of Parcel R23913010A from an "A" zone (Agricultural) to an "R-R" zone (Rural Residential). The 5.46 acre property is located at 23148 Stoffle Lane, Middleton; also referenced as a portion of the SW¼ of Section 03, T4N, R2W, BM; Canyon County, Idaho.
2. The 5.46 acre parcel was created via an approved land division in 1999 (LS2003-426). The property has an existing dwelling (ZC2005-3113) and accessory structures (ZC2005-3108/BP2005-696).
3. The subject property is designated as "residential" on the 2020 Comprehensive Plan - Future Land Use Map.
4. The subject property is located in the Middleton Area of City Impact. The subject property is designated as "residential" on Middleton's Future Land Use Map.
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6. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agencies were provided notification on December 14, 2020. Full political noticing was completed on October 27, 2020. Newspaper notice was published on December 30, 2020. Property owners within 300' were notified by mail on December 14, 2020. The property was posted on January 7, 2021.
7. The record consists of exhibits provided as part of the public hearing staff report, testimony and any additional evidence submitted during the public hearing on January 14, 2021 and all information contained in Case File #RZ2020-0016.

Conclusions of Law

For this request, the Board of County Commissioners find and concludes the following regarding the zoning amendment (§07-06-05):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

Finding: The Future Land Use Plan in the 2020 Canyon County Comprehensive Plan designates the property and surrounding area as "residential". The property is located in the Middleton Area of City Impact and is adjacent to city limits (Lakes at Telaga and The Lakes Subdivisions). The Future Land Use Plan in Middleton's Comprehensive Plan designates the property and surrounding area as "residential".

The proposed rezone is generally consistent with the following comprehensive plan goals and policies:

- **Property Rights Policy No. 1:** "No person shall be deprived of private property without due process of law."
- **Population Policy No. 3:** "Encourage future population to locate in areas that are conducive for residential living and do not pose an incompatible land use to other land uses."
- **Land Use – Residential No. 2:** "Encourage residential development in areas where agricultural uses are not viable."

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed rezone is more appropriate than the current zoning designation.

Finding: Pursuant to Canyon County Zoning Ordinance (CCZO) §07-10-25(2), the purpose of the "R-R" zone is "to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable." The applicant is requesting the "R-R" zone to divide the property into a total of two parcels which is the maximum allowed under the requested zone based on the existing 5.46 acre parcel size. The result will create an average lot size of 2.73 acres.

The property and surrounding area are zoned "A" (Agricultural). The Future Land Use Plan in the 2020 Canyon County Comprehensive Plan designates the property and surrounding area as "residential". The Future Land Use Plan in Middleton's Comprehensive Plan designates the property and surrounding area as "residential".

The following zoning map amendments have been approved within the general area:

- RZ2018-0005 (Parcels R22365600 & R22365601): "A" to "R-R" (Rural Residential) zone (5.26 acres). Located approximately 600 feet west of the subject property.
- PH2017-56 (R33969010): "A" to "R-1" zone (20 acres). In 2020, the parcel was approved as Linfield Estates Subdivision (SD2018-0002). Located approximately 1,300 feet east of the subject property.
- PH2013-16 (R33969): "A" to "R-R" zone (approximately 20 acres). Located approximately 1,900 feet east of the subject property.
- RZ2020-0014 (R33835011): "A" to "R-1" zone (4.76 acres). Located approximately 2,100 feet north-west of the subject property.

Although the property is zoned "A", the area is predominantly residential in character. Within a one-mile radius, there are 29 subdivisions with an average lot size of 1.81 acres. The property is surrounded by the following residential subdivisions:

- Lansing Meadows Subdivision (2002): The subdivision has 47 residential lots. Approximately 18 of the residential lot are one acre or less.
- Schreiner Estates (1998): 20 lot subdivision with a two (2) acre average lot size.
- Linfield Estates (2020): 13 lot subdivision with a 1.52 acre average lot size.

The property contains best-suited soils and is considered prime farmland. The property is not currently used for agricultural purposes and does not have an agricultural tax exemption. Given the size and location (surrounded by residential subdivisions), the requested rezone is more appropriate.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The proposed rezone is compatible with the surrounding land uses.

Finding: The area is predominantly residential in character. Within a one-mile radius, there are 29 subdivisions with an average lot size of 1.81 acres. There are no agricultural uses surrounding the property. The property is surrounded by the following residential subdivisions:

- Lansing Meadows Subdivision (2002): The subdivision has 47 residential lots. Approximately 18 of the residential lot are one acre or less.
- Schreiner Estates (1998): 20 lot subdivision with a two (2) acre average lot size.
- Linfield Estates (2020): 13 lot subdivision with a 1.52 acre average lot size.

The following zoning map amendments have been approved within the general area:

- RZ2018-0005 (Parcels R22365600 & R22365601): "A" to "R-R" (Rural Residential) zone (5.26 acres). Located approximately 600 feet west of the subject property.
- PH2017-56 (R33969010): "A" to "R-1" zone (20 acres). In 2020, the parcel was approved as Linfield Estates Subdivision (SD2018-0002). Located approximately 1,300 feet east of the subject property.
- PH2013-16 (R33969): "A" to "R-R" zone (approximately 20 acres). Located approximately 1,900 feet east of the subject property.
- RZ2020-0014 (R33835011): "A" to "R-1" zone (4.76 acres). Located approximately 2,100 feet north-west of the subject property.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed rezone will not negatively affect the character of the area.

Finding: The request is consistent with the residential development and character that exists in the area (See Findings B & C for more details).

Upon review by affected agencies, no issues or impacts were found regarding this request. No comments were received from neighbors.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?

Conclusion: Adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided to accommodate the proposed rezone.

Finding: Staff has not found that there will be issues with the rezone in regards to adequate water, sanitary, irrigation, drainage and storm water drainage facilities. Affected agencies did not find any issues that cannot be addressed at the time of subsequent development.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: Legal access exists via a private road, Stoffle Lane.

Finding: Access to the property is provided via a 60' shared access easement established during the initial land division approval in 1999 (LS2003-426). The private road access begins west of the unmaintained public road, also named Stoffle Lane. CHD4 does not have any records of the shared easement to the subject property. However, the initial land division approval creating Parcels R23913010 and R23913010A (LS2003-426) created a 60' shared access easement through parcel R23913011 (Instrument #9912575, #9905957 and #2020-013808). If approved, the shared access shall meet current shared access/private road standards (CCZO §07-10-03) at the time of subsequent land division application submittal.

G. Does the proposed zoning map amendment require road improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The proposed rezone will not require roadway improvements to provide adequate access to and from the subject property.

Finding: Canyon Highway District #4 and Idaho Transportation Department (ITD) do not oppose the request or find the request to impact the existing road systems.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

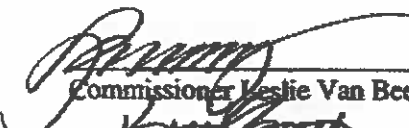
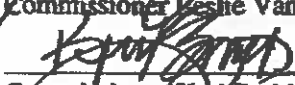
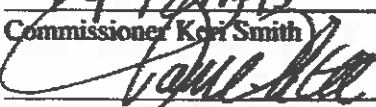
Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: All affected agencies including Canyon County Ambulance District, Middleton School District, Canyon County Sheriff, Middleton Mill Ditch Company and Star Fire Department were notified of the request. No comments were received regarding impacts to essential services.

Order:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein, the Board of County Commissioners approves Case #RZ2020-0016, a rezone of Parcel R23913010A from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone.

APPROVED this 14 day of January, 2021.

	<u>Yes</u>	<u>No</u>	<u>Did Not Vote</u>
 Commissioner Kestie Van Beek	<u> </u>	<u> </u>	<u> </u>
 Commissioner Ker Smith	<u>✓</u>	<u> </u>	<u> </u>
 Commissioner Pamela White	<u>✓</u>	<u> </u>	<u> </u>

Attest: Chris Yamamoto, Clerk

By: _____
Deputy



Date: 1/14/2021

Board of County Commissioners

Burgo – CR2022-0008

Development Services Department



Findings of Fact, Conclusions of Law, and Order

Conditional Rezone CR2022-0008

Findings of Fact

1. The applicants are requesting a conditional rezone of Parcel R37627101 from an "A" (Agricultural) zone to an "CR-R-R" (Conditional Rezone Single Family Residential) zone. The subject property is located at 24103 Rustic Ct., Star, Lot 2, Block 1 of Rustic Acres Subdivision; also referenced as a portion of the SW¼ of Section 36, T5N, R2W, BM, Canyon County, Idaho.
2. A short plat for Dirt Road Ranch Subdivision, three residential lots (SD2022-0015), was submitted concurrently with the rezone request.
3. The 2020 Canyon County Comprehensive Plan designates the future land use of the parcel as "residential".
4. The property is located in the Middleton area of city impact and Star area of city impact.
5. On September 15, 2022, the Planning and Zoning Commission recommended approval of the conditional rezone and short plat (SD2022-0015).
6. On February 22, 2022, a neighborhood meeting was held in accordance with CCZO §07-01-15.
7. Notice of the public hearing was provided as per CCZO §07-05-01. Affected agencies, City of Middleton and City of Star were noticed on September 16, 2022. Full political notice was sent on June 15, 2022. Property owners within 600 ft. were notified by mail on October 14, 2022. Newspaper notice was published on October 16, 2022. The property was posted on October 24, 2022.
8. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on November 3, 2022 and all information contained in DSD case file CR2022-0008.

Conclusions of Law

For this request, the Board of County Commissioners find and conclude the following regarding the Standards of Review for a Zoning Amendment (CCZO §07-06-07(6)):

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The request is generally consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The proposed rezone is consistent with the future land use map within the 2020 Canyon County Comprehensive Plan which designates the property as "residential".

The request is generally consistent with the following goals and policies of the comprehensive plan:

- Property Rights Policy No. 1: "No person shall be deprived of private property without due process of law."
- Economic Development 5: "Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County."
- Land Use Policy No. 1: "Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas."
- Land Use Goal No. 2: "To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area."
- Land Use Policy No. 2: "Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate."

- Land Use Goal No. 6: "Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur."
- Housing Policy 1: "Encourage a variety of housing choices that meet the needs of families, various age groups and incomes."
- Community Design Policy 2: "Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life in the county."

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed request is more appropriate as the current zoning designation.

Finding: The property is currently zoned "A" (Agricultural). The property consists of moderate to least-suited soils and is mostly considered non-prime farmland or farmland of statewide importance if irrigated. There are no feedlots, dairies or gravel pits within a one-mile radius.

The 2020 Canyon County Comprehensive Plan designates the future land use of the parcel as "residential". The City of Middleton designated the property as residential on their future land use map within the City's Comprehensive Plan. The City of Star designates the property as "low density residential, one unit per acre."

The applicant is requesting a conditional rezone to "R-R" (Rural Residential). Pursuant to CCZO §07-10-25(2), the purpose of the R-R Zone is to "encourage and guide growth in areas where a rural lifestyle may be determined to be suitable." The nearest residential zones are as follows:

- RZ2019-0009 - Soggs (2019): Conditional rezone of Parcel R37627100 (7.5 acres) from "A" to "CR-R-1". The development agreement restricts development to five lots (1.5-acre average lot size) with access from Rustic Ct.
- RZ2022-0005 - Freedom Acres (2022): Conditional rezone of Parcel R37627102 (18.56 acres) from "A" to "CR-R-R". The development agreement restricts development to six lots (3.09-acre average lot size) subject to a wildfire interface and access plan, fair maintenance of Willis Road, subdivision monument landscaping and signage and no gold courses or secondary dwellings.
- CR2019-0009/SD2019-0006 - MAMLS/Monument Place Sub. (2019): Conditional rezone of Parcel R37620011 (54.92 acres) from "A" to "CR-R-R". The development agreement restricts development to 37 lots (1.48-acre average lot size) with buffers, public road improvements, and fire access and suppression conditions.
- CR2019-0016/SD2019-0046 - Skyline Homes/Thunder Ridge Sub. (2019): Conditional rezone of Parcels R37629, R37629012, R37629013 and R37629013A from "A" to "CR-R-R". The development agreement restricts development to 45 lots (2.52-acre average lot size) subject to public road improvements, wildfire interface plan, fire suppression and dust mitigation plan.

Within a one-mile radius of the subject property are 21 approved subdivisions with a 2.71-acre average lot size.

The request includes a development agreement (Attachment A) which restricts development to three residential lots (2.5-acre average lot size). The request is commensurate with lots sizes and uses recently approved within general vicinity.

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The proposed request is compatible with the surrounding land uses.

Finding: The following are recent land use decisions within the vicinity of the request:

- RZ2019-0009 - Soges (2019): Conditional rezone of Parcel R37627100 (7.5 acres) from "A" to "CR-R-1". The development agreement restricts development to five lots (1.5-acre average lot size) with access from Rustic Ct.
- RZ2022-0005 - Freedom Acres (2022): Conditional rezone of Parcel R37627102 (18.56 acres) from "A" to "CR-R-R". The development agreement restricts development to six lots (3.09-acre average lot size) subject to a wildfire interface and access plan, fair maintenance of Willis Road, subdivision monument landscaping and signage and no gold courses or secondary dwellings.
- CR2019-0009/SD2019-0006 - MAMLS Monument Place Sub. (2019): Conditional rezone of Parcel R37620011 (54.92 acres) from "A" to "CR-R-R". The development agreement restricts development to 37 lots (1.48-acre average lot size) with buffers, public road improvements, and fire access and suppression conditions.
- CR2019-0016/SD2019-0046 - Skyline Homes/Thunder Ridge Sub. (2019): Conditional rezone of Parcels R37629, R37629012, R37629013 and R37629013A from "A" to "CR-R-R". The development agreement restricts development to 45 lots (2.52-acre average lot size) subject to public road improvements, wildfire interface plan, fire suppression and dust mitigation plan.

The subject property is located within an approved subdivision, Rustic Acres Subdivision, consisting of three (3) lots with an average lot size of 11.6 acres. There are 21 approved subdivisions within a one-mile radius with a 2.71-acre average lot size. The following are approved subdivisions within the vicinity of the request:

	Subdivision	# of Lots	Average Lot Size	Year Approved
2	Quail View Sub.	6	5.91	2002
3	Schmidt Sub.	4	3.12	1996
4	Schmidt Sub. #2	4	11.11	2001

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned by the development agreement (Attachment A), the proposed use will not negatively affect the character of the area.

Finding: The request includes a development agreement (Attachment A) which restricts development to three residential lots (2.5-acre average lot size). The request is commensurate with lots sizes and uses recently approved within general vicinity.

Based on recent land use approvals in the area, the development agreement also includes conditions regarding irrigation, a wildfire interface plan including adequate fire access and access and improvement review and approval by Canyon Highway District #4.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate sewer, drainage, and storm water drainage facilities and utility systems will be provided to accommodate the proposed use at the time of development.

Finding: Adequate facilities will and can be provided to the subject property. The property will be served by individual wells and septic systems. City services are not located within the area. The property is not located within a nitrate priority area. Wells drilled on the property and within the immediate vicinity demonstrate water was encountered between 155-165 feet with well depth between 253-305 feet. Wells in the area were far below nitrate and arsenic thresholds established by Idaho of Department of Environmental Quality. Adequate facilities/services can be accommodated subject to meeting state and local agency requirements at the time of platting and building permits.

The property currently uses 0.5 acre from a domestic well, 1.3 acres from the Farmer's Union Ditch right sourced from wastewater from mill Slough and 7 acres from an existing irrigation well. As conditioned, the two smaller lots will utilize domestic wells for irrigation. As a condition of the development agreement, irrigation must comply with state law which require utilizing surface water rights prior to using domestic well for irrigation via an irrigation plan (Idaho Code Section 31-3805 and 67-6537). The applicant shall provide an irrigation plan prior to preliminary plat approval.

- F. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?**

Conclusion: The request of two additional homes off Blessinger Road will not generate traffic that significantly impact the existing or planned transportation network.

Finding: The proposed three lots (as conditioned, Attachment A) is not anticipated to exceed 500 trips per day threshold nor generate new traffic to significantly impact the existing or planned transportation network. Therefore, a traffic impact study is not required.

Canyon Highway District #4 identifies Willis Road/Blessinger Road as part of their Capital Improvement Plan. Therefore, the development will pay impact fees. As conditioned, road maintenance impacts will be addressed and mitigated at the time of platting.

- G. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?**

Conclusion: The property has frontage along Willis Road, an open public right-of-way under CHD4 jurisdiction, via a private road, Rustic Ct. The property also has frontage on the recently constructed Blessinger Road segment, a major collector.

Finding: The property is currently served by a private road, Rustic Court, which takes access from Willis Road, an unmaintained public right-of-way. The private road has a maintenance agreement (Instrument #2006-38196).

A new extension of Blessinger Road, a major collector, has been constructed along the west boundary of the subject property. The applicant is proposing two lots with direct access to Blessinger Road.

As a condition of the development agreement (Attachment A), the two proposed 1.25-acre lots with frontage onto Blessinger Road shall be provided access via a shared access easement in accordance with CCZO Section 07-10-03. The access shall meet all applicable access and road improvement requirements by Canyon Highway District #4 at the time of platting.

- H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?**

Conclusion: Essential services will be provided to accommodate the use. Mitigation is proposed as part of the development agreement to be applied at the time of platting.

Finding: Essential services will be provided to accommodate the use. The nearest Middleton Fire station is located approximately 6.4 southwest of the subject property on HWY 44 in the City of Middleton. No comments were received. However, all recent land use approvals in the area included conditions requiring a wildfire interface plan and adequate fire access due to the location being a medium to high fire risk. Therefore, a condition has been included in the development agreement (Attachment A) consistent with other land use approval in the area regarding the same issues.

The property is served by Purple Sage Elementary and Middleton High School. Middleton School District did not comment.

Conclusions of Law - Area of City Impact

The property is located within the Middleton Area of City Impact. Middleton's future land use plan designates the area as "residential". The City of Middleton was notified per the agreement (Canyon County Code Sections 09-09-15 & 09-09-11(3)) on June 15, 2022 and September 16, 2022. No comments were received. Therefore, the county may proceed without the recommendation of the city.


The property is located within the Star Area of City Impact. Star's future land use plan designates the area as "low density residential, one-acre per unit". The City of Star was notified per the agreement (Canyon County Code Sections 09-19-10 & 09-19-08(3)) on June 15, 2022 and September 16, 2022. No comments were received regarding the conditional rezone. Therefore, the county may proceed without the recommendation of the city.

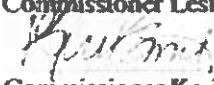
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners approve Case # CR2022-0005, a request for a conditional rezone of Parcel R37627101 from an "A" (Agricultural) zone to an "CR-R-R" (Conditional Rezone - Rural Residential) zone subject to conditions of the development agreement (Attachment A).

This decision is final. Pursuant to Idaho Code Section 67-6535(b), the applicant or affected person may first seek reconsideration within 14 days prior to seeking judicial review.

APPROVED this 3 day of Nov., 2022.



Commissioner Leslie Van Beek


Commissioner Keri Smith

Commissioner Pamela White

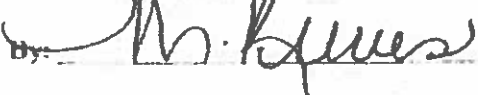
Yes

No

Did Not
Vote

	_____	_____
	_____	_____
_____	_____	_____

Attest: Chris Yamamoto, Clerk

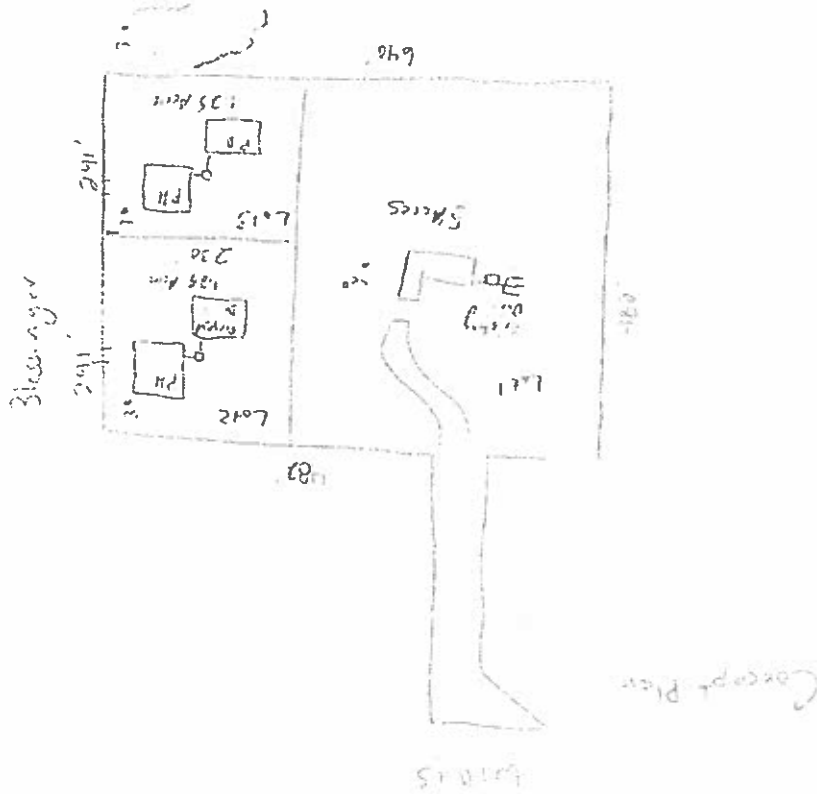
By:  _____

Date: 11-3-22

ATTACHMENT A DEVELOPMENT AGREEMENT CONDITIONS

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject property, totaling approximately 7.5 acres, shall be divided into no more than three lots in compliance with Chapter 7, Article 17 of the Canyon County Zoning Ordinance (Subdivisions) and in substantial compliance with the conceptual site plan (Attachment B) subject to the following restrictions required at the time of preliminary plat:
 - a. The use of irrigation water rights shall comply with Idaho Code Section 31-3805 and 67-6537. Evidence of compliance shall be provided prior to preliminary plat approval.
 - i. An irrigation plan shall be submitted prior to preliminary plat approval
 - b. The applicant/developer shall work with Middleton Fire District to provide a wildfire interface plan and appropriate fire access. An agreement between the applicant/developer and Middleton Fire District shall be included as CC&Rs for the subdivision or recorded as part of an agreement.
 - c. The applicant/developer shall meet all required access and improvement requirements of Canyon Highway District #4.
 - i. The two 1.25 acre lots shall take access from Blessinger Road via a shared access easement in accordance with CCZO Section 07-10-03.
 - d. Secondary residences per CCZO Section 07-14-25 on the two 1.25-acre lots are prohibited.
3. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

ATTACHMENT B CONCEPTUAL SITE PLAN





Findings of Fact, Conclusions of Law, and Order
Zoning Map Amendment – RZ2020-0027

Findings of Fact

1. The applicant, Alan Mills representing Delmas LLC is requesting a zoning map amendment (rezone) of Parcels R23921 and R23928 from an "A" Zone (Agricultural) to an "R-1" Zone (Single Family Residential). The properties totaling 26.38 acres are located at 23201 Lansing Lane and 9164 HWY 44, Middleton. The properties are also referenced as a portion of the SE¼ of Section 4n T4N, R2W; Canyon County, Idaho.
2. The subject property is currently zoned "A" (Agricultural). The subject property is designated as "residential" on the 2020 Comprehensive Plan - Future Land Use Map.
3. The subject property is located in the Middleton area of city impact. The subject property is designated as "residential" on Middleton's Future Land Use Map. The City of Middleton opposes the request.
4. A neighborhood meeting was held on October 8, 2020 in accordance with CCZO §07-01-15.
5. On March 18, 2021, the Planning and Zoning Commission recommended denial of the request.
6. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agencies were provided notification on June 28, 2021. Full political noticing was completed on February 26, 2021. Newspaper notice was published on July 4, 2021. Property owners within 300' were notified by mail on June 30, 2021. The property was posted on July 13, 2021.
7. The record consists of exhibits provided as part of the public hearing staff report, testimony and any additional evidence submitted during the public hearing on July 21, 2021 and all information contained in Case File #RZ2020-0027.

Conclusions of Law

For this request, the Board of County Commissioners finds and concludes the following regarding the zoning amendment (§07-06-05):

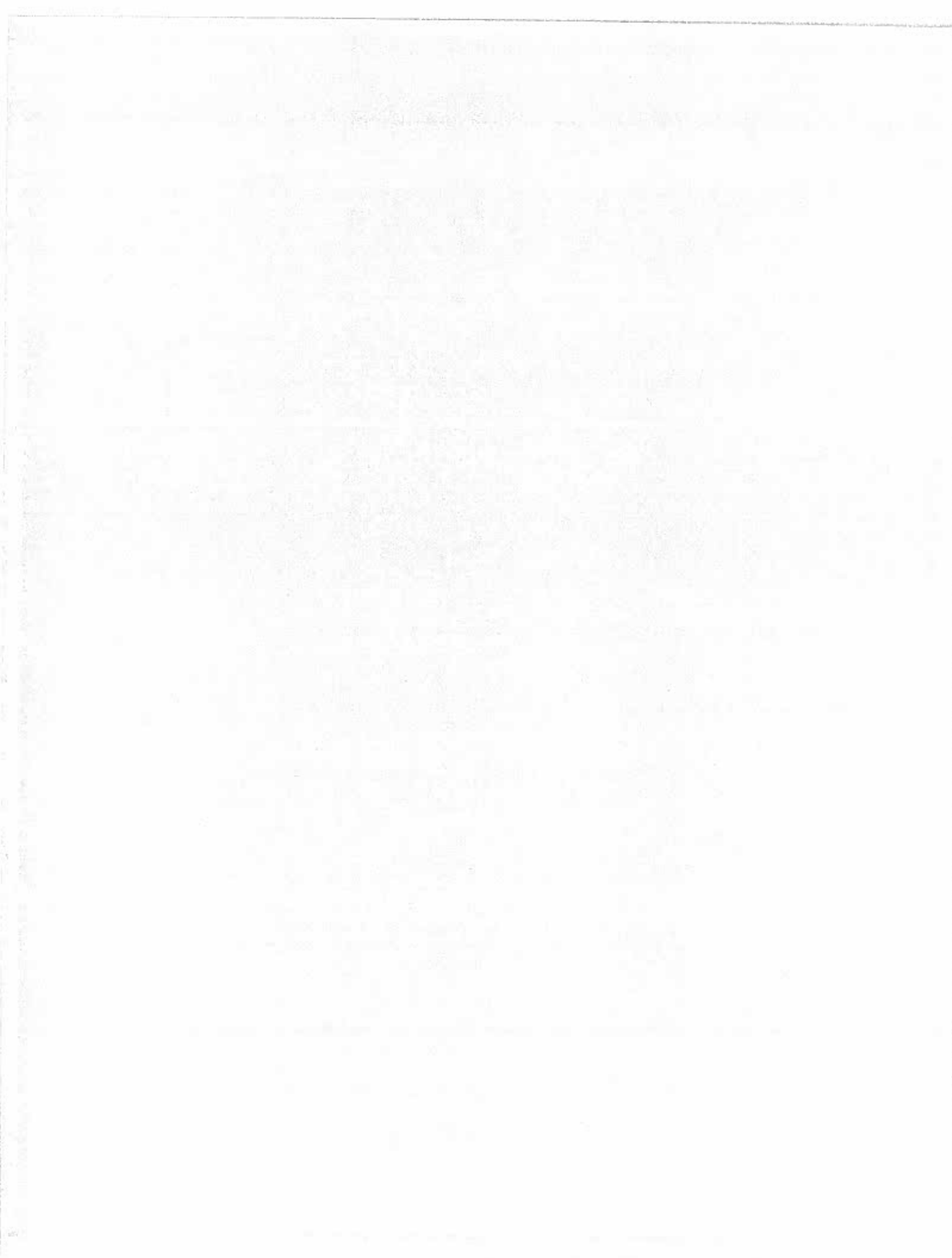
A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

Finding: The Future Land Use Plan in the 2020 Canyon County Comprehensive Plan designates the property and surrounding area as "residential". The property is located in the Middleton area of city impact and is in close proximity to the city limits (approximately 330 feet north of the subject property). The Future Land Use Plan in Middleton's Comprehensive Plan designates the property and surrounding area as "residential".

The proposed rezone is generally consistent with, but not limited to, the following, comprehensive plan goals and policies:

- **Property Rights Policy No. 1:** "No person shall be deprived of private property without due process of law."
- **Property Rights Policy No. 8:** "Promote orderly development that benefits the public good and protects the individual with a minimum of conflict."
 - The property is designated as "residential" on the 2020 Canyon County Future Land Use Map. The proposed rezone to residential is commensurate with the plan for this area.
- **Property Rights Policy No. 11:** "Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods."



- The surrounding land uses are primarily residential in nature.
- Population Policy No. 3: *"Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses."*
 - The property is designated as "residential" on the 2020 Canyon County Future Land Use Map. The proposed rezone to residential is commensurate with the plan for this area.
- Land Use Goal No. 6: *"Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur."*
 - The subject property is designated as "residential" on the Canyon County Future Land Use Map.
- Public Services, Facilities and Utilities Policy No. 3: *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."*
 - The subject property is located within Middleton Fire District.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed rezone is more appropriate than the current zoning designation.

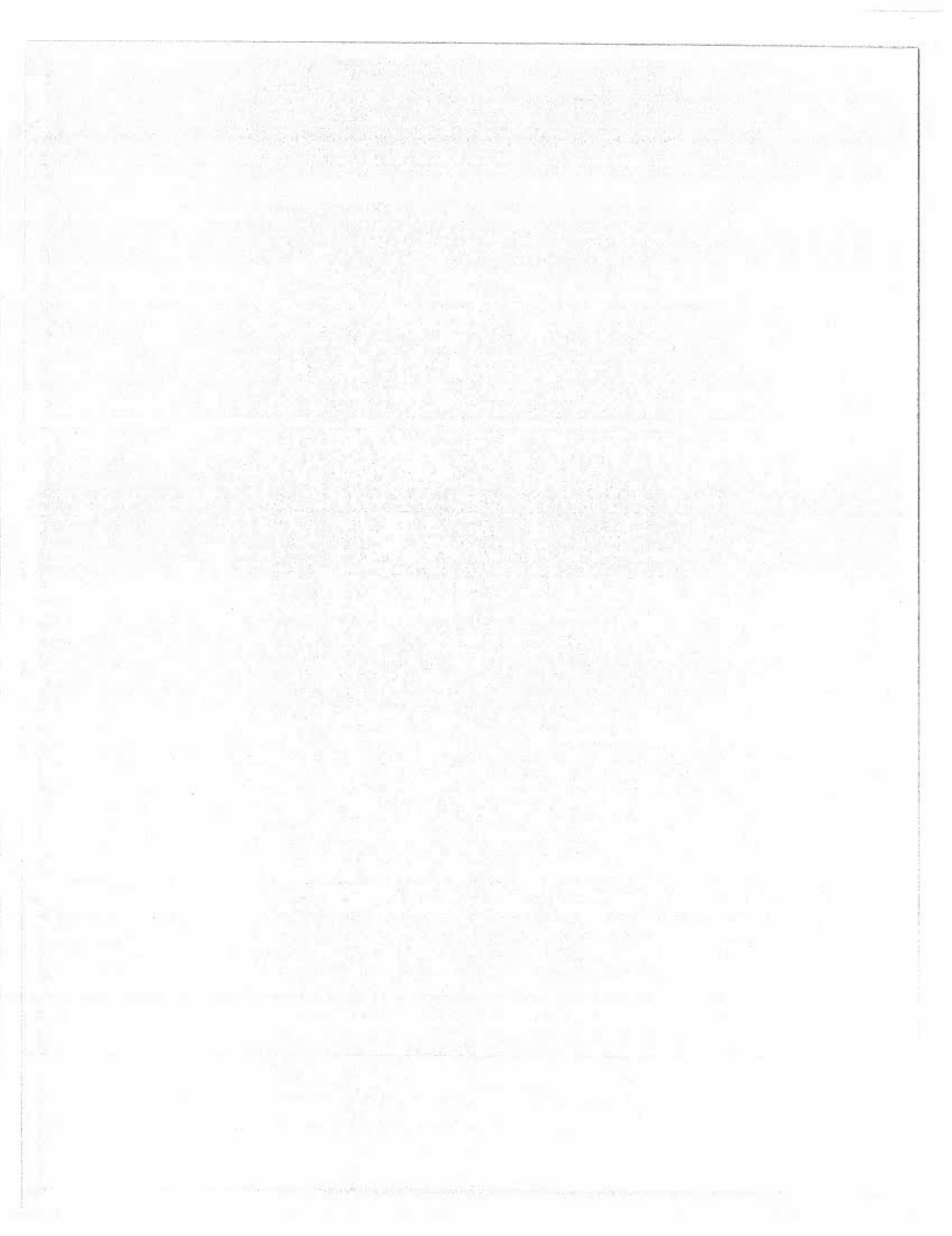
Finding: The zone requested is "R-1" (Single Family Residential). Pursuant to Canyon County Zoning Ordinance (CCZO) §07-10-25(3), the purpose of the "R-1" zone is *"to promote and enhance predominantly single-family living areas at a low-density standard."* The zone allows for an average lot size of one acre or no less than 12,000 square feet subject to connection to city services or community system (CCZO §07-10-21(2)). The total acreage of the parcels is 26.38 acres. If served by septic systems and wells, approximately 25 residential lots can be created by the requested zone. However, the applicant's letter of intent states future development will consist of 18 residential lots.

The property and surrounding area predominately consist of an "A" Zone (Agricultural). The Future Land Use Plan in the 2020 Canyon County Comprehensive Plan designates the property and surrounding area as "residential". The property is located within the Middleton area of city impact and is in close proximity to the city limits (approximately 330 feet north of Parcel R23921). The Future Land Use Plan in Middleton's Comprehensive Plan designates the property and surrounding area as "residential".

The following zoning map amendments have been approved within the general area:

- RZ2018-0005 (Parcels R22365600 & R22365601): "A" to "R-R" (Rural Residential) zone (5.26 acres). The rezone is located approximately 1,200 feet east of the subject properties.
- PH2017-56 (R33969010): "A" to "R-1" zone (20 acres). In 2020, the parcel was approved as Linfield Estates Subdivision (SD2018-0002). The rezone and subdivision are located approximately 4,000 feet east of the subject properties.
- RZ2020-0014 (R33835011): "A" to "R-1" zone (approximately 4.7 acres). The rezone is located approximately 900 feet north of the subject property.
- RZ2020-0016 (R23913010A): "A" to "R-R" zone (approximately 5.4 acres). The rezone is located approximately 2,000 east of the subject properties.
- Ordinance 11-017 and 18-023: The subject property is also located in close proximity to nine parcels zoned "C-1" (Neighborhood Commercial) mostly located along State Highway 44.

Although the property is zoned "A", the area contains residential development and character. Within a one-mile radius, there are 36 subdivisions with an average lot size of 1.66 acres. The property is in close proximity to the following residential subdivisions:



- Lansing Meadows Subdivision (2002): The subdivision has 47 residential lots. Approximately 18 of the residential lot are one acre or less.
- Whisper Creek Subdivision (1994): The subdivision has 19 residential lots with a 0.97-acre average lot size.
- Whisper Creek #2 & #3 Subdivision (1995): The subdivision has 20 residential lots with a 2.6-acre average lot size.
- Meadow Creek Subdivision (2000): The subdivision has nine residential lots with a 4.88-acre average lot size.
- Greenview Acres (1988): The subdivision has 20 residential lots with a 3.08-acre average lot size.

The property contains best to moderately-suited soils and is considered prime farmland if irrigated. Agricultural use on the properties may be impacted by the surrounding residential uses and residential growth within Middleton city limits which surrounds the general area to the west and north. Therefore, a residential zone is more commensurate with the surrounding area that the "A" Zone.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The proposed rezone is compatible with the surrounding land uses.

Finding: The area contains residential development and character. Within a one-mile radius, there are 36 subdivisions with an average lot size of 1.66 acres. The property is in close proximity to the following residential subdivisions:

- Lansing Meadows Subdivision (2002): The subdivision has 47 residential lots. Approximately 18 of the residential lot are one acre or less.
- Whisper Creek Subdivision (1994): The subdivision has 19 residential lots with a 0.97-acre average lot size.
- Whisper Creek #2 & #3 Subdivision (1995): The subdivision has 20 residential lots with a 2.6-acre average lot size.
- Meadow Creek Subdivision (2000): The subdivision has nine residential lots with a 4.88-acre average lot size.
- Greenview Acres (1988): The subdivision has 20 residential lots with a 3.08-acre average lot size.

The following zoning map amendments have been approved within the general area:

- RZ2018-0005 (Parcels R22365600 & R22365601): "A" to "R-R" (Rural Residential) zone (5.26 acres). The rezone is located approximately 1,200 feet east of the subject properties.
- PH2017-56 (R33969010): "A" to "R-1" zone (20 acres). In 2020, the parcel was approved as Linfield Estates Subdivision (SD2018-0002). The rezone and subdivision are located approximately 4,000 feet east of the subject properties.
- RZ2020-0014 (R33835011): "A" to "R-1" zone (approximately 4.7 acres). The rezone is located approximately 900 feet north of the subject property.
- RZ2020-0016 (R23913010A): "A" to "R-R" zone (approximately 5.4 acres). The rezone is located approximately 2,000 east of the subject properties.
- Ordinance 11-017 and 18-023: The subject property is also located in close proximity to nine parcels zoned "C-1" (Neighborhood Commercial) mostly located along State Highway 44.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed rezone will not negatively affect the character of the area.

Finding: The request is consistent with the residential development and character that exists in the area. A large number of neighbors within the Whisper Creek Subdivision submitted a petition in support of the request finding it consistent with the lot sizes and quality of life enjoyed by the existing surrounding subdivision. Concerns from neighbors regarding traffic, access, lot design and water/septic uses can be addressed at the time of platting.

The City of Middleton testified in opposition and requested the applicant extend city services, approximately 1,600 feet the subject properties, which would require a pre-annexation agreement. Upon review in accordance with Canyon County Code Sections 09-09-15 and 09-09-11, Areas of City Impact between Middleton and the County, the Board finds the request consistent with the 2020 Canyon County Comprehensive Plan which applies in the impact area.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?

Conclusion: Adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided to accommodate the proposed rezone.

Finding: Future development will require individual septic systems and wells. The City of Middleton requests future development to connect to city services and annex into the City of Middleton. Comments received by Southwest District Health do not oppose the request or future development utilizing individual wells and septic systems. Additional review will be required at the time of platting.

The property is bisected by an existing drainage canal. Irrigation in the area is in the jurisdiction of Middleton Mill Ditch Company. No comments were received regarding this request. Additional review will be required at the time of platting.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: Legal access exists for the existing primary dwelling on Lansing Lane, a public road.

Finding: The subject properties currently have frontage on Lansing Lane, State Highway 44 and Whisper Creek Drive. Future development will need to meet Canyon Highway District #4 and Idaho Transportation Department (ITD) access/approach requirements.

G. Does the proposed zoning map amendment require road improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The proposed rezone will require roadway improvements and adequate access at the time of platting.

Finding: The subject properties currently have frontage on Lansing Lane, State Highway 44 and Whisper Creek Drive. The existing dwelling on Parcel R23921 takes access onto Lansing Lane, a collector road. Parcel R23928 appears to be vacant. The request has the potential to create 237 vehicle trips per day. The request does not trigger the threshold to require a traffic impact study.

Upon review by Canyon Highway District #4 (CHD4), future development will require the planned development of a collector road connecting to Whisper Creek Drive unless a modification is approved by the CHD4 Board. Direct access to State Highway 44 requires approval by Idaho Transportation Department. Requirements for right-of-way dedication and internal streets shall be determined by CHD4 at the time of platting.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?


Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.


Finding: All affected agencies including Canyon County Ambulance District, Middleton School District, Canyon County Sheriff, and Middleton Fire Department were notified of the request. No comments were received regarding essential impacts.


Order:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein, the Board of County Commissioners approve Case #RZ2020-0027, a zoning map amendment of Parcels R23921 and R23928 from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone.

APPROVED this 21 day of July, 2021.



Commissioner Leslie Van Beck


Commissioner Keri Smith


Commissioner Pamela White

Yes

No

Did Not
Vote



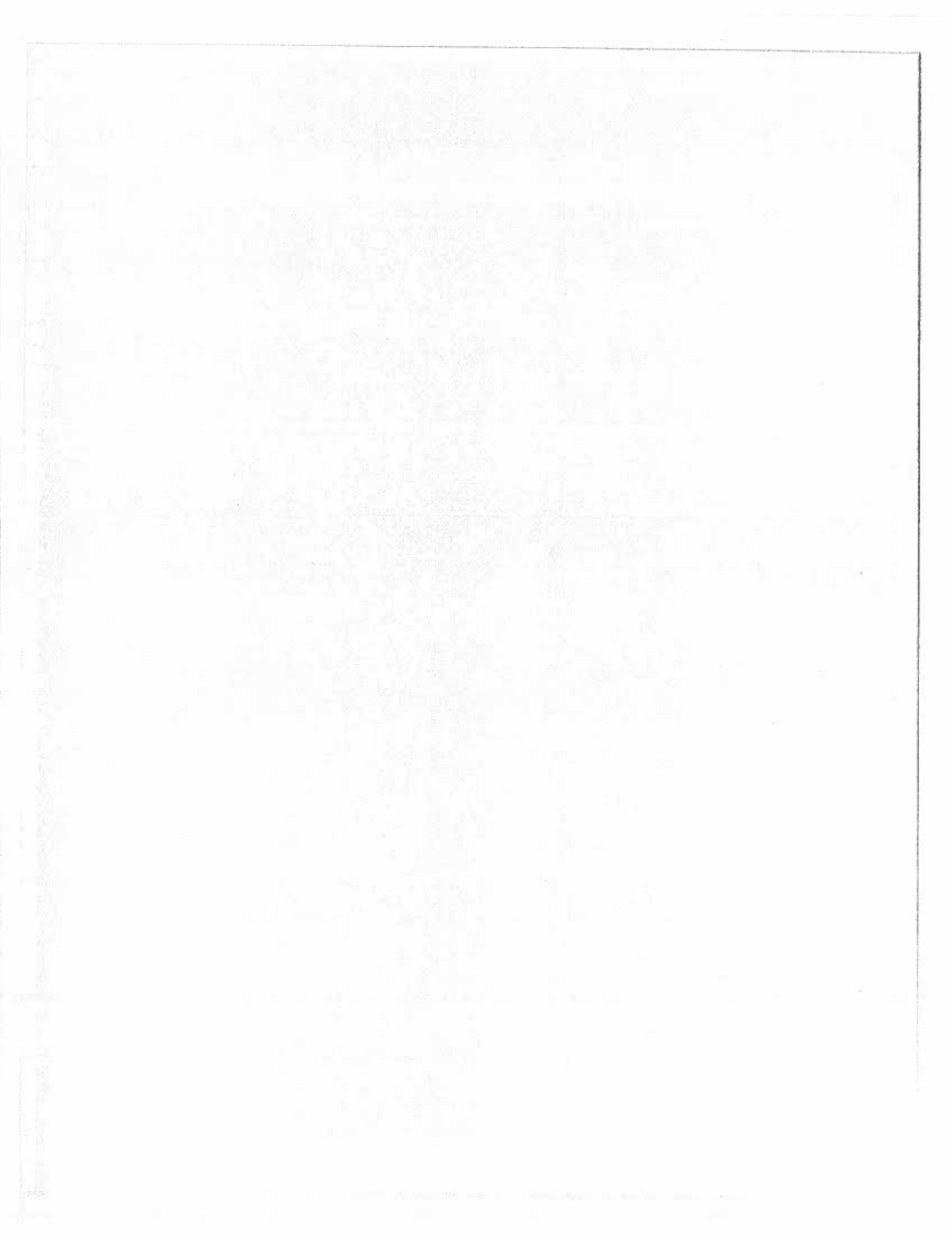




Attest: Chris Yamamoto, Clerk

By: 
Deputy

Date: 7-21-21





Canyon County Board of County Commissioners
Bruce Terry - Rezone- RZ2021-0017

FINDINGS OF FACT

1. Bruce Terry is requesting a zoning map amendment (rezone) of approximately 6.87 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone.
2. The subject property, parcel No. R33838010 is located at 8921 Foothill Rd., in a portion of the NW ¼ of Section 3, T4N, R3W, BM, Canyon County, Idaho.
3. The subject property is designated as residential on the 2020 Comprehensive Plan Future Land Use Map.
4. The subject property is located within Middleton's Area of City Impact. The property is designated as residential on their future land use map.
5. The subject property is located within Canyon Highway District, Star Fire District, Middleton School District, and Middleton Mill Ditch Company.
6. The neighborhood meeting was held on 3/15/21, compliant with CCZO §07-01-15.
7. The Planning & Zoning Commission recommended approval of the zoning map amendment (rezone) on July 1, 2021.
8. Notice of the public hearing was provided per CCZO §07-05-01. Agency notice was provided 8/16/21, Newspaper notice was provided on 8/17/21, property owners within 300' were notified by mail on 8/16/21, and the property was posted on 8/23/21.
9. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on 7/1/21, 8/2/21, and all information contained in DSD case file, RZ2021-0017.

Conclusions of Law

For this request the Board of County Commissioners find and conclude the following regarding the Standards of Evaluation for a Zoning Map Amendment (§07-06-07 (7) A):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zoning map amendment is generally consistent with the comprehensive plan and future land use map which designates the property as "residential."

Finding: The proposed zoning map amendment is generally consistent with the following goals and policies contained within the 2020 Canyon County Comprehensive Plan:

Property Rights Policy No. 1- "No person shall be deprived of private property without due process of law."

Population Policy No. 3 - "Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses." The property is identified on the Canyon County Future Land Use Map as residential. The property is located within Middleton's Area of City Impact where

growth is anticipated. The City of Middleton designates the property as "medium density residential." The requested rezone is in conformance with the future land use plans for the county as well as the city.

Economic Development Policy No. 7- *"Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished."* The property is identified on the Canyon County Future Land Use Map as "residential." The site is within Middleton's Area of City Impact where growth is anticipated. The site is adjacent to the city limits of Middleton and nearby city services.

Land Use Goal No. 4 - *"To encourage development in those areas of the county which provide the most favorable conditions for future community services."* The property is adjacent to the city limits of Middleton.

Land Use Goal No. 5- *"Achieve a land-use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area."* The area currently contains residential and some agricultural uses which co-exist.

Land use Goal No. 6- *"Designate areas where rural type development will likely occur and recognize areas where agricultural development will likely occur."* The property is identified on Canyon County's Future Land Use Map as "residential."

Land Use Policy No. 1 - *"Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas."* The rezone is compatible with the adjacent residential uses and zoning in the vicinity. The property is within Middleton's Area of City Impact where growth is anticipated.

Public Services, Facilities, and Utilities Policy No. 3 - *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."* The property is located within Star Fire District.

Transportation Policy No. 13- *"Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency services purpose."* The subject property is accessible to a public road, Foothill Road.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed zone change is more appropriate than the current zoning designation.

Finding: The property is adjacent to residential zoning on the north and east boundary (Exhibit 7) and is adjacent to the city limits of Middleton.

The future land use map for the County as well as the City of Middleton identify the property as residential. The property is also located within Middleton's Area of City Impact where growth is anticipated.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The proposed zoning map amendment, is compatible with the surrounding residential land uses and zoning.

Finding: The proposed zoning map amendment is compatible with the surrounding residential uses and zoning that exist in the vicinity of the site (Exhibit 7). The property is adjacent to city limits of Middleton.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed zoning map amendment will not have a negative effect to the character of the area.

Finding: The zoning map amendment will not be injurious to other properties in the vicinity nor will it negatively change the essential character of the area. The proposed zoning map amendment is compatible with the surrounding residential uses and zoning that exist in the vicinity of the site.

The future land use map for the County as well as the City of Middleton identify the property as residential. The property is also located within Middleton's Area of City Impact where growth is anticipated.

No additional mitigation measures are required.

E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed zoning map amendment?

Conclusion: Adequate water, sewer, irrigation, drainage, and stormwater drainage facilities and utility systems will be provided to accommodate the proposed use.

Finding: No evidence has been provided to indicate there would be issues with the rezone in regards to adequate water, sewer, irrigation, drainage, and stormwater drainage facilities.

Individual septic systems and individual wells are proposed for the residences.

All requirements of Southwest District Health and Idaho Department of Water Resources shall be adhered to during development of the site.

F. Does legal access to the property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The property has frontage on Foothill Road, a public road.

Finding: The properties will access the public road system by utilizing the frontage on Foothill Road. The requirements of Canyon Highway District No. 4 for access to the site. Approach permits are required to be submitted with building permit applications.

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The property has frontage on Foothill Road, a public road.

Finding: The properties will access the public road system by utilizing the frontage on Foothill Road. The requirements of Canyon Highway District No. 4 for access to the site. Approach permits are required to be submitted with building permit applications.

No mitigation measures are proposed.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Middleton School District, Canyon County Sheriff, and Star Fire Department were notified of the request.

No other agencies responded to the request. Therefore, no evidence has been provided to indicate that the proposed zoning map amendment would have a negative impact. No mitigation measures are proposed.

ORDER OF DECISION:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein the Board of County Commissioners order that Case No. RZ2021-0017 a request for a Zoning Map Amendment (Rezoning) of parcel no. R33838010 from an "A" (Agricultural) Zone to a "R-R" (Rural Residential) Zone be approved.

APPROVED this 2 day of September, 2021

BOARD OF COUNTY COMMISSIONERS

CANYON COUNTY,

Yes	No	Did Not Vote
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unavailable for signature

Commissioner Leslie Van Beek

_____	_____	_____
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Keri Smith

Commissioner Keri Smith

<u>✓</u>	_____	_____
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Pamela White

Commissioner Pamela White

<u>✓</u>	_____	_____
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Attest: Chris Yamamoto, Clerk

By: Monica Aguilar

Deputy

Date: 9/2/2021

Bruce Teny
RZ2021-0017

FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER



Canyon County Board of County Commissioners

Jeff VanWinkle

RZ2021-0020

Findings of Fact

1. The applicant is requesting a Rezone of approximately 5.18 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential) zone.
2. The subject property, parcel no. R33805010A is located at 7388 Desert Wolf Lane, Star, Idaho, in a portion of the NE ¼ of Section 2, T4N, R2W, BM, Canyon County, Idaho.
3. The subject property is designated as residential on the 2020 Comprehensive Plan Future Land Use Map.
4. The subject property is located within Middleton's Area of City Impact. The property is designated as residential on their future land use map.
5. The subject property is located within Canyon Highway District, Star Fire District and Middleton School District.
6. The neighborhood meeting was held on 3/17/21, compliant with CCZO §07-01-15.
7. The Planning & Zoning Commission recommended approval of the zoning map amendment (rezone) on July 1, 2021.
8. Notice of the public hearing was provided per CCZO §07-05-01. Agency notice was provided on 8/16/21, Newspaper notice was provided on 8/17/21, property owners within 300' were notified by mail on 8/11/21, and the property was posted on 8/19/21.
9. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on 7/1/21, 9/3/21, and all information contained in DSD case file, RZ2021-0020.

Conclusions of Law

For this request the Board of County Commissioners find and conclude the following regarding the Standards of Evaluation for a Zoning Map Amendment (§07-06-07 (7) A):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zoning map amendment is generally consistent with the comprehensive plan and future land use map which designates the property as "residential."

Finding: The proposed zoning map amendment is generally consistent with the following goals and policies contained within the 2020 Canyon County Comprehensive Plan:

Property Rights Policy No. 1- *"No person shall be deprived of private property without due process of law."*

Population Policy No. 3 - *"Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses."* The property is identified on the Canyon County Future Land Use Map as residential. The property is located within Middleton's Area of City Impact where

growth is anticipated. The City of Middleton designates the property as "residential." The requested rezone is in conformance with the future land use plans for the county as well as the city.

Economic Development Policy No. 7- *"Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished."* The property is identified on the Canyon County Future Land Use Map as "residential." The site is within Middleton's Area of City Impact where growth is anticipated. The property is adjacent to "R-R" (Rural Residential) zoning.

Land Use Goal No. 4 - *"To encourage development in those areas of the county which provide the most favorable conditions for future community services."* The property is located within Middleton's Area of City Impact where growth is anticipated.

Land use Goal No. 6- *"Designate areas where rural type development will likely occur and recognize areas where agricultural development will likely occur."* The property is identified on Canyon County's Future Land Use Map as "residential."

Land Use Policy No. 1 - *"Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas."* The rezone to "R-R" (Rural Residential) is compatible with the adjacent residential uses and zoning within the vicinity. The property is within Middleton's Area of City Impact where growth is anticipated.

Land Use Policy - Residential- No. 2 - *"Encourage residential development in areas where agricultural uses are not viable."* The subject property is currently zoned agriculture, but has no water rights available to it. Further, the property is identified on the Canyon County Future Land Use Map as "residential."

Public Services, Facilities, and Utilities Policy No. 3 - *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."* The property is located within Star Fire District.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed zone change is more appropriate than the current zoning designation. The property is identified as "Residential" on the Canyon County Future Land Use Map.

Finding: The property is adjacent to residential zoning and residential uses and zoning.

The property is located within Middleton's Area of City Impact where growth is anticipated. The future land use map for the County as well as the City of Middleton identify the property as residential.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The proposed zoning map amendment, is compatible with the surrounding residential land uses and zoning.

Finding: The area is predominately residential in nature (Exhibit 5). The subject property is adjacent to "R-R" (Rural Residential) zoning along the east boundary. The introduction of additional residential zoned property would not be incompatible. The applicant intends on dividing the parcel into two (2) lots, each of which, would meet the minimum lot size in the "R-R" zone and are larger than the average platted lot size (*within one mile*) of 1.48 acres.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed zoning map amendment will not have a negative effect to the character of the area.

Finding: The zoning map amendment will not be injurious to other properties in the vicinity nor will it negatively change the essential character of the area. The proposed zoning map amendment is compatible with the surrounding residential uses and residential zoning that exist in the vicinity of the site.

The future land use map for the County as well as the City of Middleton identify the property as residential. The property is also located within Middleton's Area of City Impact where growth is anticipated.

No additional mitigation measures are required.

E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed zoning map amendment?

Conclusion: Adequate water, sewer, irrigation, drainage, and stormwater drainage facilities and utility systems will be provided to accommodate the proposed use.

Finding: No evidence has been provided to indicate there would be issues with the rezone in regards to adequate water, sewer, irrigation, drainage, and stormwater drainage facilities.

Individual septic systems and individual wells are proposed for the residences.

All requirements of Southwest District Health and Idaho Department of Water Resources shall be adhered to during the platting and development of the site.

F. Does legal access to the property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The subject property has access via Desert Wolf Ln (a private road).

Finding: Desert Wolf Lane (private) provides access to the exiting residence and will provide access to the newly created lot. Desert Wolf Lane is subject to a recorded road user's maintenance agreement (RUMA) [Instrument No. 2017-022835(casement and road maintenance agreement)].

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The proposed zoning map amendment will not require public street improvements to provide adequate access to and from the subject property.

Finding: The properties will access the public road system by utilizing the existing private road, Desert Wolf Ln. A subdivision plat will be required to create the two lots. The requirements of Canyon Highway District No. 4 will be met at the time of platting and development of the site.
No mitigation measures are proposed.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Middleton School District, Canyon County Sheriff, and Star Fire Department were notified of the request.

No agencies responded to the request. Therefore, no evidence has been provided to indicate that the proposed zoning map amendment would have a negative impact. No mitigation measures are proposed.

ORDER OF DECISION:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein the Canyon County Board of County Commissioners order that Case No. RZ2021-0017 a request for a Zoning Map Amendment (Rezone) of parcel no. R338050010A from an "A" (Agricultural) Zone to a "R-R" (Rural Residential) Zone be approved.

APPROVED this 3rd day of September, 2021

BOARD OF COUNTY COMMISSIONERS

CANYON COUNTY,

Yes	No	Did Not Vote
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unavailable for signature

Commissioner Leslie Van Beek

Keri Smith

Commissioner Keri Smith

Pamela White

Commissioner Pamela White

Attest: Chris Yamamoto, Clerk

By: Jeff Van Winkle

Deputy

Date: 9/3/2021

Jeff Van Winkle
RZ2021-0020

FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER



Board of County Commissioners
Richards/Larsen – Case No. RZ2021-0036/CR2022-0009
Development Services Department

Findings of Fact, Conclusions of Law, and Order
Rezone – RZ2021-0036/CR2022-0009

Findings of Fact

1. The applicants, Terry Richards and Dave and Cami Larsen, are requesting a conditional rezone of parcels R37619010, R37619010A, R37619010B from an "A" (Agricultural) Zone to a "CR-R-1" (Conditional Rezone - Single Family Residential) Zone. The subject parcels are located off of Benhaven Lane in Middleton, Idaho; a portion of the E½ of the NW¼ of Section 34, T5N, R2W, B.M., Canyon County, Idaho.
2. The subject parcels total 31.89-acres and are zoned A" (Agricultural). The 2020 Canyon County Comprehensive Plan designates future land use of the parcels as "Residential".
3. The subject property is located within Middleton's Area of City Impact. The City of Middleton's Comprehensive Plan designates the parcel as "Residential". The City was noticed in accordance with the Middleton Area of City Impact Ordinance (CCCO §09-9-15). No comments were received.
4. Notice of the public hearing was provided as per CCZO §07-05-01. Affected agencies were notified on April 6, 2022. Property owners within 600 feet of the subject parcel boundaries were noticed on April 29, 2022. Full political notice was completed April 29, 2022. Newspaper notice was published on April 30, 2022. The subject property was posted with a notice on or before May 6, 2022.
5. The record consists of exhibits provided as part of the public hearing staff report, testimony and any additional evidence submitted during the public hearing on May 17, 2022 and all information contained in Case File #RZ2021-0036/CR2022-0009.

Conclusions of Law

For this request, the Board of County Commissioners finds and concludes the following regarding the Standards of Review for a Conditional Rezone (CCZO §07-06-07(6)).

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The 2020 Canyon County Comprehensive Plan designates the future land use of the subject parcels as "residential". The subject property is located within Middleton's Area of City Impact. The City of Middleton's Comprehensive Plan designates the parcel as "Residential".

The proposed conditional rezone is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan.

Chapter 1. Property Rights

- **Policy No. 1:** No person shall be deprived of private property without due process of law.
- **Policy No. 8:** Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Chapter 2. Population

- **Population Goal No. 1:** Consider population growth trends when making land use decisions.
- **Population Policy No. 3:** Encourage future population to locate in areas that are conducive for residential living and do not pose an incompatible land use to other land uses.

Chapter 5. Land Use

- Land Use Goal No. 2: To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.
- Land Use Goal No. 5: Achieve a land use balance which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
- Land Use Policy No. 11: Coordinate planning and development with applicable highway district and health officials.

Chapter 8. Public Services, Facilities and Utilities

- Policy No. 3: Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

Chapter 11. Housing

- Housing Goal 1: Encourage opportunities for a diversity of housing choices in Canyon County.
- Residential Land Use Categories (Page 37 of the Comprehensive Plan): Residential development should be encouraged in or near Areas of City Impact or within areas that demonstrate a development pattern of residential land uses.

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed conditional rezone is more appropriate than the current zoning designation.

Finding: The 2020 Canyon County Comprehensive Plan designates the future land use of the subject parcels as "residential". The parcels are also located within the Middleton Area of City Impact and are designated as "low density residential" in Middleton's Comprehensive Plan.

The property is currently zoned "A" (Agriculture). The applicant is requesting a conditional rezone to "CR-R-1" (Conditional Rezone - Single Family Residential). Surrounding properties to the south, west and east have received "R-1" rezone approvals and have been or will be platted (See criteria C below for more information).

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The proposed conditional rezone is compatible with the surrounding land uses.

Finding: The following properties to the south, west and east have received "R-1" rezone approvals:

- 1) Parcel R37617010A: Approximately 31.43 acres and located 237 south of the subject property. Recently approved for R-1 zoning on October 16, 2021.
- 2) Parcel R37615: Approximately 32.23 acres and located 1200 feet south of the subject property. Recently approved for R-1 zoning on December 9, 2020. Platted as C3 Subdivision.
- 3) Parcel R37595: Approximately 69.95 acres and located 1300 feet west of the subject property. Recently approved for R-1 zoning on March 5, 2019. Platted as Cascade Hills No. 1 Subdivision.
- 4) Parcel R37605010A: Approximately 20.62 acres and located 4958 feet west of the subject property. Recently approved for R-1 zoning on December 10, 2018. Platted as Meadow Bluff Estates.

Within a one-mile radius of the subject parcel are 34 subdivisions with an average lot size of 1.69 acres. In the immediate vicinity of the subject parcels are:

- C3 Subdivision (2020): 26 lots with an average lot size of 1.24 acres.
- C4 Subdivision (2020): 24 lots with an average lot size of 1.31 acres.
- Cascade Hills No. 1 (2021): 26 lots with an average lot size of 1.41 acres.

- Sloviaczek Subdivision (1971): 17 lots with an average lot size of 4.71 acres.
- Ridge at Quail Hollow (2007): 26 lots with an average lot size of 1.61 acres.

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed conditional rezone is not anticipated to negatively affect the character of the area.

Finding: Surrounding parcels have been rezoned to residential and specifically "R-1" zone. The character of the area is in transition with zoning consisting of "A" (agriculture), "R-R" (rural residential) and "R-1" (single family residential). The addition of the proposed conditional rezone in this area is compatible with the residential zones and increasing densities found in the area.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed conditional rezone?

Conclusion: Adequate sewer, drainage, and storm water drainage facilities and utility systems will be provided to accommodate the residential uses at the time of development.

Finding: Adequate facilities/services can be provided to accommodate uses on the parcels. Services are as follows:

- Sanitary Service: The development will be served by individual septic systems. Future development will require Southwest District Health review and approval at the time of platting.
- Water Services: Domestic wells will be required on individual home sites. The property is located outside a nitrate priority area. At the time of platting, the applicant will provide evidence the domestic wells can be served by Idaho Department of Water Resources which will be reviewed by Idaho Department of Environmental Quality (DEQ) and Southwest District Health (SWDH).
- Irrigation Services: Future development will require review and lateral improvements as required by Black Canyon Irrigation at the time of platting. There is currently 14 acres of surface water available for pressurized irrigation that will be held in a pond on site. Pressurized irrigation is required by the conditions of the development agreement. (Attachment A).
- Storm Water Drainage: Storm water will be collected in an existing pond located on the site.

F. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?

Conclusion: Legal access to the subject property will exist at the time of development.

Finding: There are two legal access points to the subject parcels. An unnamed private road that comes from Purple Sage Road to the north and, access through a private road to the south (Benhaven Lane). Private road and shared access will be required to comply with CCZO Sections 07-10-03 and 07-17-21 at the time of platting.

G. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The proposed conditional rezone is not anticipated to cause undue interference with existing or future traffic patterns as proposed.

Finding: The 17 lots will generate approximately 144 average daily trips which does not require a traffic impact study. Existing private roads will serve the development until a collector road located

north of the property and identified in Section 27 of the Canyon Highway District #4 Neighborhood Transportation Plan is complete.

H. Will the proposed conditional rezone impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?



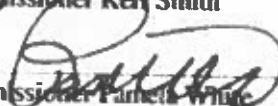
Conclusion: Essential services can accommodate the requested rezone.

Finding: The request is not anticipated to impact essential services. Future development, as conditioned (Attachment A) will require platting. All affected agencies were notified. No opposition from affected agencies were received.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **APPROVE** Case #RZ2021-0036/CR2022-0009, a conditional rezone of parcels R37619010, R37619010A, R37619010B from an "A" Zone to an "CR-R-1" Zone subject to conditions of the development agreement (Attachment A).

APPROVED this 17th day of May, 2022.


Commissioner Leslie Van Beek

Commissioner Keri Smith

Commissioner Pamela White

Yes

No

Did Not
Vote

✓

✓

✓

Attest: Chris Yamamoto, Clerk

By: 

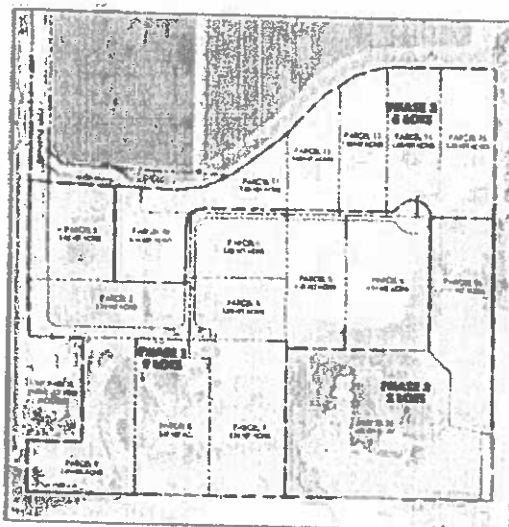
Deputy

Date: 5/17/22

ATTACHMENT A
Development Agreement Conditions

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcels R37619010, R37619010B and R37619010A, containing approximately 31.89 acres, shall be platted in accordance with Chapter 7, Article 17 of the Canyon County Zoning Ordinance (Subdivisions) subject to the following restrictions:
 - a. The plat, as phased in accordance with CCZO Section 07-17-13(7), shall not exceed 17 residential lots as shown in the conceptual site plan (see below) subject to the following restrictions:
 - i. Phase 1 shall not exceed nine (9) residential lots. Secondary dwellings in accordance with CCZO Section 07-14-25 are prohibited unless the private road is paved in accordance with CCZO Section 07-10-03(3) for private roads exceeding 100 average daily trips (ADT) or access is provided via public road.
 - ii. Phase 2 shall not exceed two (2) residential lots. Secondary dwellings in accordance with CCZO Section 07-14-25 are prohibited.
 - iii. Phase 3 shall not exceed six (6) residential lots and shall either be served by the future collector road as identified in Canyon Highway District's Neighborhood Transportation Plan or the private road must be paved in accordance with CCZO Section 07-10-03(3) for private roads that exceed 100 average daily trips (ADT).
 - b. The plat shall include an easement reduction for review by the Director of DSD in accordance with CCZO Section 07-10-03(1)D and Section 07-17-31.
 - c. A pressurized irrigation system is required to serve the subdivision. Applicable governing agencies shall review the plat. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification including any crossings shall be approved in writing by applicable governing agencies.
 - d. Wetland assessment shall be reviewed by the Army Corps of Engineers and evidence shall be submitted at the time of preliminary plat submittal.
3. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land-use shall commence within two (2) years of the approval of the board."





CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458

Fax: (208) 454-6633 • www.canyoncounty.org/dsd

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 22-031

THIS AGREEMENT, made and entered into this 17th day of May, 2022, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Terry Richards/Dave & Cami Larsen, hereinafter referred to as "Applicant."

RECITALS

WHEREAS, The Applicant has applied to the County for a conditional rezone from the "A" (Agricultural) Zone to "CR-R-1" (Conditional Rezone – Single Family Residential) Zone (RZ2021-0036/CR2022-0009), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcels R37619010, R37619010A and R37619010B, approximately 31.89 acres, is owned by the Applicant; and

WHEREAS, on the 17th day of May, 2022, the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-1" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B"; and

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance No. 16-007 or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

2022-026392

RECORDED

05/19/2022 09:53 AM



00703813202200263920110118

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=11 MBROWN

AGR

CANYON COUNTY

NO+-E

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Properties from "A" (Agricultural) Zone to "CR-R-1" (Conditional Rezone - Single Family Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see Exhibit "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-R-1" (Conditional Rezone - Single Family Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number RZ2021-0036 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited

to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezoning and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A" are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezoning action, i.e., the Subject Properties conditionally rezoned from "A" (Agricultural) Zone designation to "CR-R-1" (Conditional Rezoning - Single Family Residential) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #140
Caldwell, Idaho 83605

Notices and communications required to be given to the Applicant shall be addressed to, and delivered at, the following addresses:

Name: Terri Richards
Street Address: 8771 Purple Sage Road
City, State, Zip: Middleton, ID 83644

Dave and Cami Larson
24551 Benhaven Lane
Middleton, ID 83644

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicant(s), a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20.

TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO

Commissioner [Signature] Lee Ann Beek

Commissioner [Signature] Keri Smith

Commissioner [Signature] Pam White

ATTEST: Chris Yamamoto, Clerk

BY: [Signature]
Deputy

DATE: 5/17/22

APPLICANT

[Signature]
Terry Richards, Property Owner

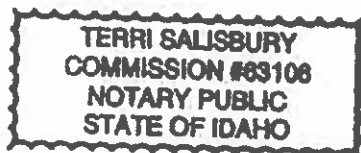
[Signature]
D. [Name], Property Owner



(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)
) ss.
County of Canyon)

On this 17th day of May, 2022, before me, a notary public, personally appeared Terry Richards, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



[Signature]
Notary Public for Idaho

Residing at: Caldwell, Idaho

My Commission Expires: 2/19/2026

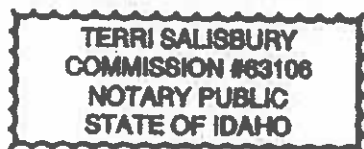
(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)

) ss.

County of Canyon)

On this 17th day of May, 2022, before me, a notary public, personally appeared Dave Larsen, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



Twi Sahily
Notary Public for Idaho

Residing at: Caldwell, ID

My Commission Expires: 2/19/2026

(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)

) ss.

County of Canyon)

On this _____ day of _____, 20____, before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTIONS

Parcel R37619010A

A parcel of land lying in the East Half of the Northwest Quarter of Section 34, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCEMENT at the section corner common to Sections 27, 28, 33 and 34, Township 5 North, Range 2 West, Boise Meridian; thence

North 89°34'39" East 1311.82 feet along the North line of the Northwest Quarter of the Northwest Quarter of Section 34 to the Northwest corner of the Northeast Quarter of the Northwest Quarter, the REAL POINT OF BEGINNING of this description, thence continuing

North 89°34'39" East 50.00 feet along the North line of the Northeast Quarter of the Northwest Quarter to a point, thence

South 00°13'11" East 768.04 feet to a point, thence

South 87°49'18" East 359.65 feet to a point, thence

North 82°13'11" East 86.36 feet to a point, thence

North 61°40'17" East 90.58 feet to a point, thence

North 41°35'12" East 192.80 feet to a point, thence

South 00°27'12" East 1026.37 feet parallel with the East line of the Southeast Quarter of the Northwest Quarter to a point on the South line of the Southeast Quarter of the Northwest Quarter, thence

South 89°42'35" West 711.30 feet along the South line of the Southeast Quarter of the Northwest Quarter to the Southwest corner of the Southeast Quarter of the Northwest Quarter, thence

North 00°16'52" West 1329.93 feet along the West line of the Southeast Quarter of the Northwest Quarter to the Northwest corner of the Southeast Quarter of the Northwest Quarter, thence

North 00°10'15" West 1120.25 feet along the West line of the Northeast Quarter of the Northwest Quarter to the REAL POINT OF BEGINNING of this description

EXCEPTING THEREFROM the following parcel:

A parcel of land being a portion of a certain Parcel 1 as shown on Record of Survey, Instrument No. 200114317, records of Canyon County, Idaho, located in the East Half of the Northwest Quarter of Section 34, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCEMENT at an aluminum cap monumenting the Northwest corner of Section 34, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, thence

North 89°31'39" East 1311.82 feet along the Northerly boundary line of said Section 34 to a 5/8" iron pin monumenting the Northwest corner of the Northeast Quarter of the Northwest Quarter (West 1/16th corner) of said Section 34, thence leaving said Northerly boundary line

South 00°10'15" East 1120.25 feet along the Westerly boundary line of the East Half of the Northwest Quarter of Section 34 to a brass cap monumenting the Southwest corner of the Northeast Quarter of the Northwest Quarter (Northwest 1/16th corner) of said Section 34, thence continuing along said Westerly boundary line

South 00°16'52" East 882.91 feet to a set 5/8" iron pin, the REAL POINT OF BEGINNING, thence leaving said Westerly boundary line

North 89°42'35" East 150.00 feet to a set 5/8" iron pin, thence

South 00°16'52" East 291.00 feet to a set 5/8" iron pin, thence

South 89°42'35" West 150.00 feet to a set 5/8" iron pin on the Westerly boundary line of the East Half of the Northwest Quarter of Section 34, thence

North 00°16'52" West 291.00 feet along said Westerly boundary line to the REAL POINT OF BEGINNING

Parcel R37619010

Parcel A, commencing at the Center Quarter corner of Section 34, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and running thence North 00° 19' 16" West 957.31 feet along the Center North-South line of said Section to the Point of Beginning; thence South 49° 01' 44" West 231.58 feet; thence South 13° 57' 42" West 377.93 feet; thence South 75° 23' 20" West 222.21 feet; South 38° 26' 35" West 162.95 feet; thence North 00° 19' 16" West 768.88 feet; thence North 51° 39' 08" East 7.32 feet; thence North 43° 35' 39" East 148.76 feet; thence North 57° 12' 13" East 101.16 feet; thence North 74° 38' 27" East 89.84 feet; thence North 89° 27' 25" East 305.24 feet to a point on the Center North-South line of said Section; thence South 00° 19' 16" East 260.35 feet to the point of beginning.

Parcel R37619010B

TRACT II:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO DESCRIBED AS:

BEGINNING AT THE CENTRE QUARTER CORNER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO AND RUNNING THENCE

SOUTH 89°45'32" WEST 30.00 FEET ALONG THE CENTRE EAST-WEST LINE OF SAID SECTION TO A NON-TANGENT CURVE; THENCE

SOUTHEASTERLY 47.19 FEET ALONG SAID CURVE TO THE LEFT (CURVE DATA RADIUS = 30.00', DELTA = 90°07'40", CHORD BEARING AND DISTANCE = SOUTH 45°18'07" EAST 42.47 FEET) TO A POINT ON THE CENTRE NORTH-SOUTH LINE OF SAID SECTION; THENCE

NORTH 00°21'57" WEST 30.00 FEET ALONG SAID CENTRE NORTH-SOUTH LINE TO THE POINT OF BEGINNING.

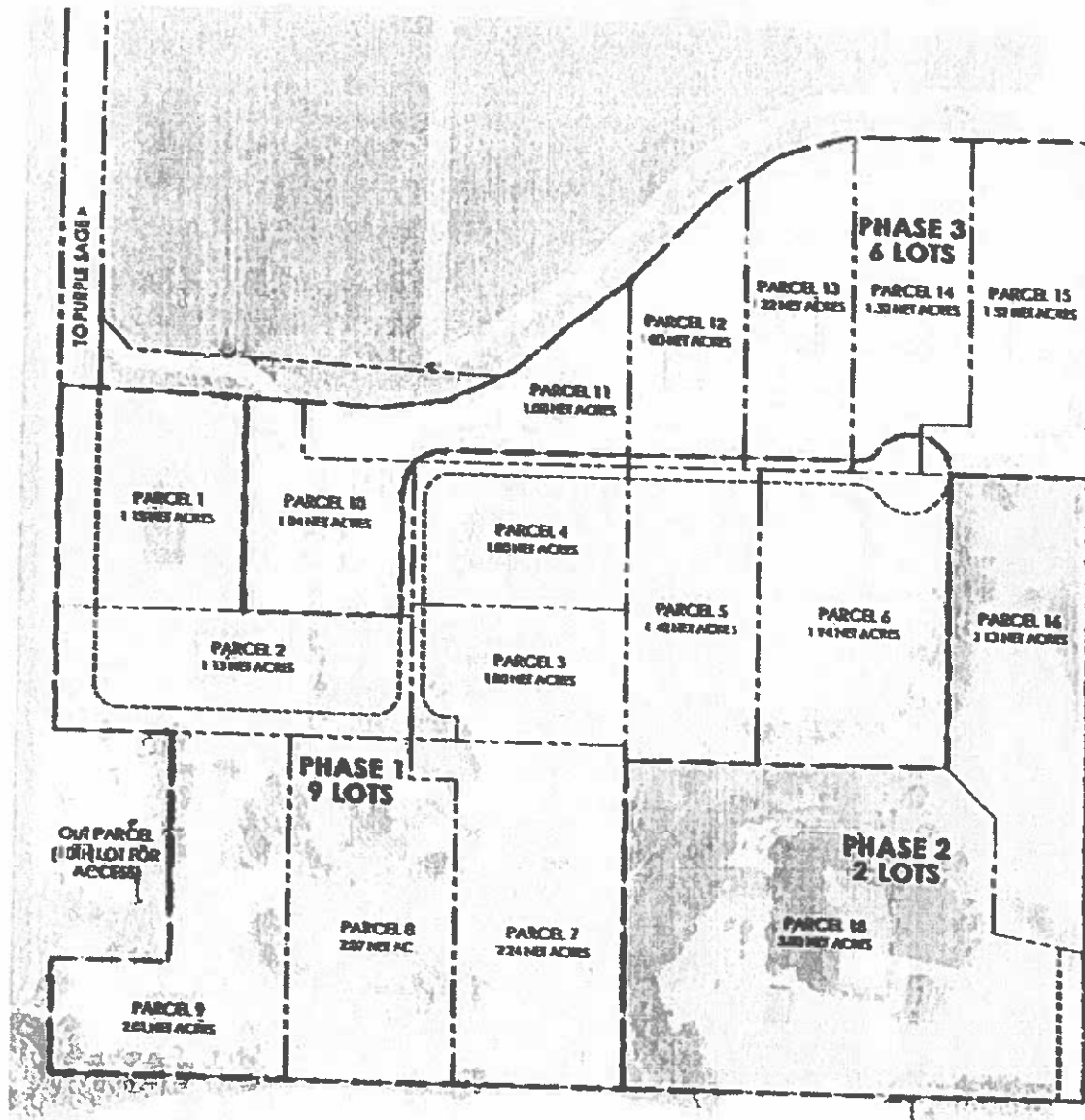
Parcel ID: R37619010B0

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcels R37619010, R37619010B and R37619010A, containing approximately 31.89 acres, shall be platted in accordance with Chapter 7, Article 17 of the Canyon County Zoning Ordinance (Subdivisions) subject to the following restrictions:
 - a. The plat, as phased in accordance with CCZO Section 07-17-13(7), shall not exceed 17 residential lots as shown in the conceptual site plan (see below) subject to the following restrictions:
 - i. Phase 1 shall not exceed nine (9) residential lots. Secondary dwellings in accordance with CCZO Section 07-14-25 are prohibited unless the private road is paved in accordance with CCZO Section 07-10-03(3) for private roads exceeding 100 average daily trips (ADT) or access is provided via public road.
 - ii. Phase 2 Shall not exceed two (2) residential lots. Secondary dwellings in accordance with CCZO Section 07-14-25 are prohibited.
 - iii. Phase 3 shall not exceed six (6) residential lots and shall either be served by the future collector road as identified in Canyon Highway District's Neighborhood Transportation Plan or the private road must be paved in accordance with CCZO Section 07-10-03(3) for private roads that exceed 100 average daily trips (ADT).
 - b. The plat shall include an easement reduction for review by the Director of DSD in accordance with CCZO Section 07-10-03(1)D and Section 07-17-31.
 - c. A pressurized irrigation system is required to serve the subdivision. Applicable governing agencies shall review the plat. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification including any crossings shall be approved in writing by applicable governing agencies.
 - d. Wetland assessment shall be reviewed by the Army Corps of Engineers and evidence shall be submitted at the time of preliminary plat submittal.
3. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land-use shall commence within two (2) years of the approval of the board."

EXHIBIT "C"
CONCEPTUAL SITE PLAN





2022-026395

RECORDED

05/19/2022 10:00 AM



007038 16202200263950050050

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=5 MBROWN

NO ***

ORDINANCE

CANYON COUNTY

**Canyon County
Recorder's Office
Document
Cover Sheet**



ORDINANCE NO. 22-010

**ORDINANCE DIRECTING AMENDMENTS TO THE
CANYON COUNTY ZONING MAP
(Richards/Larsen - Rezone RZ2021-0036/CR2022-0009)**

An ordinance of Canyon County, Idaho directing amendments to the Canyon County Zoning Map (Ordinance No. 12-021); providing for title, structure, purpose and authority clauses; rezone, severability; and an effective date.

Be It Ordained by the Board of County Commissioners of Canyon County, Idaho:

SECTION 1. TITLE.

This Ordinance shall be known as the "Ordinance Directing Amendments to Canyon County Zoning Map (for approximately 31.89 acres; Parcels R37619010, R37619010A, R37619010B).

SECTION 2. STRUCTURE.

Titles and subtitles of this Ordinance are only used for organization and structure and the language in each paragraph of this Ordinance should control with regard to determining the legislative intent and meaning of the Board of County Commissioners.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to authorize the rezone of the property described in Section 5 of this Ordinance from "A" (Agricultural) to "CR-R-1" (Conditional Rezone - Single Family Residential). The purpose of this Ordinance also authorizes amendments to the Official Maps of Canyon County to reflect the rezone authorized by this Ordinance.

SECTION 4. AUTHORITY.

This Ordinance amending the Official Zoning Maps of Canyon County (is enacted pursuant to the authority conferred by Canyon County Zoning Ordinance 7, Chapter 7, Article 6; and Idaho Code § 67-6511, 67-6511A, 31-714, 31-801 and 31-828.

SECTION 5. REZONE.

The subject property shall be and is rezoned from "A" (Agricultural) to "CR-R-1" (Conditional Rezone - Single Family Residential), as specifically identified and described on the attached Exhibit "A", pursuant to the Findings of Fact, Conclusions of Law and Order issued on May 17, 2022 the Board of Canyon County Commissioners as authorized by Canyon County Zoning Ordinance, Chapter 7, Article 6; the Idaho Constitution; and Idaho Code § 67-6511, 67-6511A.

SECTION 6. SEVERABILITY CLAUSE.

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance in whole or in part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect on May 22nd, 2022.

ADOPTED AND APPROVED this 17th day of May, 2022.

BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO

Yes


No

Did Not Vote


Commissioner Leslie Van Beck


Commissioner Keri Smith


Commissioner Pamela White

Attest: Chris Yamamoto, Clerk

By: 
Deputy

Date: 5/17/22



Publication Date: May 22nd 2022, Idaho Press-Tribune

EXHIBIT "A"

Parcel R37619010A

A parcel of land lying in the East Half of the Northwest Quarter of Section 34, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENTING at the section corner common to Sections 27, 28, 33 and 34, Township 5 North, Range 2 West, Boise Meridian; thence

North 89°34'39" East 1311.82 feet along the North line of the Northwest Quarter of the Northwest Quarter of Section 34 to the Northwest corner of the Northeast Quarter of the Northwest Quarter, the REAL POINT OF BEGINNING of this description, thence continuing

North 89°34'39" East 50.00 feet along the North line of the Northeast Quarter of the Northwest Quarter to a point; thence

South 00°13'41" East 1768.84 feet to a point; thence

South 87°49'18" East 359.65 feet to a point; thence

North 82°11'47" East 86.56 feet to a point; thence

North 64°40'47" East 90.58 feet to a point; thence

North 51°35'12" East 192.80 feet to a point; thence

South 00°22'12" East 1026.37 feet parallel with the East line of the Southeast Quarter of the Northwest Quarter to a point on the South line of the Southeast Quarter of the Northwest Quarter; thence

South 89°42'35" West 731.30 feet along the South line of the Southeast Quarter of the Northwest Quarter to the Southwest corner of the Southeast Quarter of the Northwest Quarter; thence

North 00°16'52" West 1320.93 feet along the West line of the Southeast Quarter of the Northwest Quarter to the Northwest corner of the Southeast Quarter of the Northwest Quarter; thence

North 00°10'15" West 1320.25 feet along the West line of the Northeast Quarter of the Northwest Quarter to the REAL POINT OF BEGINNING of this description.

EXCEPTING THEREFROM the following parcel:

A parcel of land being a portion of a certain Parcel 1 as shown on Record of Survey, Instrument No 20031433, records of Canyon County, Idaho, located in the East Half of the Northwest Quarter of Section 34, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho more particularly described as follows:

COMMENTING at an aluminum cap monumenting the Northwest corner of Section 34, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

North 89°34'39" East 1311.82 feet along the Northerly boundary line of said Section 34 to a 5/8" iron pin monumenting the Northwest corner of the Northeast Quarter of the Northwest Quarter (West 1/16th corner) of said Section 34; thence leaving said Northerly boundary line

South 00°10'15" East 1320.25 feet along the Westerly boundary line of the East Half of the Northwest Quarter of Section 34 to a brass cap monumenting the Southwest corner of the Northeast Quarter of the Northwest Quarter (Northwest 1/16th corner) of said Section 34, thence continuing along said Westerly boundary line

South 00°16'52" East 884.93 feet to a set 5/8" iron pin, the REAL POINT OF BEGINNING, thence leaving said Westerly boundary line

North 89°42'35" East 150.00 feet to a set 5/8" iron pin; thence

South 00°16'52" East 291.00 feet to a set 5/8" iron pin, thence

South 89°42'35" West 150.00 feet to a set 5/8" iron pin on the Westerly boundary line of the East Half of the Northwest Quarter of Section 34; thence

North 00°16'52" West 291.00 feet along said Westerly boundary line to the REAL POINT OF BEGINNING.

Parcel R37619010

Parcel A, commencing at the Center Quarter corner of Section 34, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and running thence North 00° 19' 16" West 957.31 feet along the Center North-South line of said Section to the Point of Beginning; thence South 49° 01' 44" West 231.58 feet; thence South 13° 57' 42" West 377.93 feet; thence South 75° 23' 20" West 222.21 feet; South 38° 26' 35" West 162.95 feet; thence North 00° 19' 16" West 768.88 feet; thence North 51° 39' 08" East 7.32 feet; thence North 43° 35' 39" East 148.76 feet; thence North 57° 12' 13" East 101.16 feet; thence North 74° 38' 27" East 89.84 feet; thence North 89° 27' 25" East 305.24 feet to a point on the Center North-South line of said Section; thence South 00° 19' 16" East 260.35 feet to the point of beginning.

Parcel R37619010B

TRACT II:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO DESCRIBED AS:

BEGINNING AT THE CENTRE QUARTER CORNER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO AND RUNNING THENCE

SOUTH 89°45'32" WEST 30.00 FEET ALONG THE CENTRE EAST-WEST LINE OF SAID SECTION TO A NON-TANGENT CURVE; THENCE

SOUTHEASTERLY 47.19 FEET ALONG SAID CURVE TO THE LEFT (CURVE DATA RADIUS = 30.00', DELTA = 90°07'40", CHORD BEARING AND DISTANCE = SOUTH 45°18'07" EAST 42.47 FEET) TO A POINT ON THE CENTRE NORTH-SOUTH LINE OF SAID SECTION; THENCE

NORTH 00°21'57" WEST 30.00 FEET ALONG SAID CENTRE NORTH-SOUTH LINE TO THE POINT OF BEGINNING.

Parcel ID: R37619010B0



Canyon County Board of County Commissioners
Wyatt's Hollow Subdivision, SD2019-0039
Development Services Department

FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER

Findings

1. The applicant is requesting approval of a Preliminary Plat, Drainage & Grading Plan for Wyatt's Hollow Subdivision.
2. The subject properties, R37613, R37613011, & R37613010 are located at the east northeast portion of the intersection of Quail Hollow Dr., and Tombstone Ridge Ct. Middleton, ID, and is further described as being in the SE ¼ of Section 34, T5N, R2W, BM, Canyon County, Idaho.
3. The property is currently zoned "R-R" (Rural Residential).
4. The property is located within the impact area for the City of Middleton.
5. The preliminary plat was previously approved on December 10, 2013.
6. Phase I of Wyatt's Hollow Subdivision was recorded in 2014 (Instrument No. 2014-038860).
7. Individual domestic wells and septic will be utilized within the subdivision.
8. Internal roads will be dedicated to the public with the exception of Holliday Lane, which is a private road.
9. The proposed plat is in conformance with CCZO Article 17, Idaho Code, Sections §67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions, and Idaho Code, Sections §50-1301 through §50-1329 (Platting) and Idaho Code §31-3805 (Irrigation).
10. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 1/4/21, Newspaper notice was provided on 1/10/21, property owners within 300 ft. were notified by mail on 1/4/21, and the property was posted on or before 1/18/21.
11. The record includes all testimony received at the public hearing held on 10/1/20, 1/25/21 the staff report, exhibits, and documents contained in case file SD2019-0039.

Conclusions of Law

The Canyon County Board of County Commissioners have the authority to sustain, modify, or reject the recommendations of the Commission. The public notice requirements were met and the hearing was conducted within the requirements of applicable Idaho Code and County ordinances.

Conditions of Approval

1. All subdivision improvements shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
3. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
4. Propose a short-term plan that will protect the roadside swales from disturbance as a result of home construction on individual lots. Said plan shall be submitted with the application for final plat(s) for Phase II and III of the project.
5. Prior to final plat approval, provide a long-term plan for protection and maintenance of roadside swales.
6. The requirements of Canyon Highway District No. 4 shall be met.
7. The plat shall comply with Southwest District Health requirements.

8. Plat Note No. 1 language shall be modified to state "No water rights exist for this subdivision. Domestic wells can be utilized for irrigation up to ½ acre."
9. A plat note shall be added to indicate that lots 4 and 7 of Block 2 shall utilize Holliday Ln. (cul-de-sac) for access. Lots 5 and 6 of Block 2 shall utilize a shared driveway from Holliday Ln. (private).
10. A draft copy of the road user's maintenance agreement for Holliday Ln. and the shared driveway shall be submitted to DSD with the application for final plat. The agreement shall also be recorded with the final plat. Said agreement shall be in conformance with CCZO §07-10-03 (1) 3 which states the following:

- Driveways serving two (2) properties and all private roads shall have a recorded road users maintenance agreement that describes the responsible parties for construction and maintenance, including repairs, and necessary improvements to accommodate additional accesses in the future. The agreement shall also list any construction warranties applicable to the specific driveway or private road. Failure to maintain a previously approved driveway or private road shall be a violation of this article subject to the enforcement procedures in article 19 of this chapter.

11. The development shall adhere to CCZO §07-17-13 (7) Time limitations, which state the following:
The following time limitations are in accordance with section 07-07-23 of this chapter:



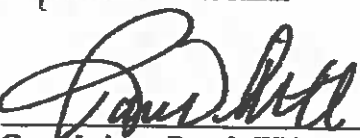
1. In the event that the development of the preliminary plat is made in successive continuous segments in an orderly and reasonable manner and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of twenty four (24) months, may be considered for final plat approval. In the event a longer period elapses, the preliminary plat must be reviewed by the commission and approved by the board;
2. Final plat application must be submitted and accepted by DSD within two (2) years of the date of written approval of the preliminary plat; and
3. The final plat shall be filed with the county recorder within sixty (60) days after approval of the board; otherwise, such approval shall become null and void unless an extension of time is applied for and granted. (Ord. 10-006, 8-16-2010; and Ord. 11-003, 3-16-2011)

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Board of County Commissioners approve Case # SD2019-0039, a request by Diamond W. Development LLC for approval of the Preliminary Plat, Drainage, & Grading Plan for Wyatt's Hollow Subdivision.

APPROVED this 29th day of January, 2021

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY,**

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<u>✓</u>	<u> </u>	<u> </u>
 Commissioner Keri Smith	<u>X</u>	<u> </u>	<u> </u>
 Commissioner Pamela White	<u>✓</u>	<u> </u>	<u> </u>

Attest: Chris Yamamoto, Clerk

By: 
Deputy

Date: 1-29-21



Board of County Commissioners
C4 Subdivision - SD2021-0008

FINDINGS, CONCLUSIONS, CONDITIONS, ORDER

Findings

1. Callister, LLC, Inc. is requesting approval of a Preliminary Plat (including irrigation & drainage) for C4 Subdivision.
2. The plat contains a total of 24 residential lots and one (1) common lot.
3. The subject property, R37617010A is located directly north of the intersection of Quail Haven Way and Lansing Lane, in the NW ¼ of Section 34, T5N, R2W, BM, Canyon County, Idaho.
4. The subject property is currently zoned "A" (Agricultural). A request to rezone the property to "R-1" (Single Family Residential) was applied for concurrently with the plat [Case No. RZ2021-0010].
5. The subject property is designated "residential" on the Canyon County Comprehensive Plan Future Land Use Map.
6. The subject property is located within Middleton's Area of City Impact.
7. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Middleton School District and Black Canyon Irrigation District.
8. Public Roads and pressurized irrigation are proposed for the subdivision.
9. Individual septic systems and individual domestic wells will be utilized for each residential lot.
10. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on August 17, 2021, newspaper notice was published on August 22, 2021, property owners within 300' were notified by mail on August 17, 2021, and the property was posted on August 25, 2021.
11. The record includes all testimony at the public hearing held on July 15, 2021, September 7, 2021, October 4, 2021, the staff report, exhibits, and documents in Case File No. SD2021-0008.

Conclusions of Law

Pursuant to CCZO Section 07-17-09(5):

1. *The Board shall consider the Commission's recommendation at a noticed public hearing.*
 - On July 15, 2021, the Planning and Zoning Commission recommended approval of the plat subject to conditions of approval.
2. *The Board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:*
 1. *The ordinance and standards used in evaluating the application;*
 2. *The reasons for approval or denial; and*
 3. *If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.*

Standard of Review for Subdivision Plat:

- A. Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions);
- B. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- C. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).
- D. Canyon County Code Chapter 9, Article 9 (Areas of City Impact - Middleton).

Conditions of Approval:

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.

2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
3. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
4. A pressurized irrigation system shall provide irrigation water for lawns and landscaping. Said system shall be used by all lots within the subdivision to water lawns and common areas. The system shall be owned and maintained by the Homeowner's Association for the development.
5. A pre-annexation agreement with the City of Middleton shall be provided with the application for final plat.
6. An ag-disclosure shall be signed by each lot owner within the subdivision. Said disclosure shall be passed to each subsequent lot owner.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0008, the Board of County Commissioners approve the Preliminary Plat (including irrigation/drainage) for C4 Subdivision, subject to the Conditions of Approval as enumerated herein.

APPROVED on this 12th day of October, 2021.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY,**

Yes	No	Did Not Vote
-----	----	--------------


Commissioner Leslie Van Beek

_____	_____	_____
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Commissioner Keri Smith

	_____	_____
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Commissioner Pamela White

	_____	_____
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Attest: Chris Yamamoto, Clerk

By:  Deputy

Date: 10-12-21



**Board of County Commissioners
Lansing Lane Subdivision – SD2021-0046**

Development Services Department

Findings of Fact, Conclusions of Law, and Order

Findings

1. April Bibbins is requesting approval of a short plat for Lansing Lane Subdivision, a three (3) residential lots, on Parcel R33835011. The property is zoned "R-1" (Single Family Residential). The subject property is located at 23412 Lansing Lane, Middleton; also referenced as a portion of the SW¹/₄ of Section 3, T4N, R2W, Canyon County, Idaho.
2. The 4.7-acre property was rezoned "R-1" in 2020 (RZ2020-0014).
3. The subdivision contains three residential lots with an average lot size of 1.5 acres.
4. Lot 2 will access New Castle Drive, a public road. Lot 1 and 3 will access via Arden Court, a public road. Initially, Lot 1 would continue using the existing access from Lansing Lane, a public road while Lots 2 and 3 would have access from New Castle Drive. However, Canyon Highway District #4 denied the initial access request and requires the applicant to meet all conditions of their comment letter (Attachment C).
5. The property has surface irrigation rights. The plat shows existing surface water rights will be utilized by all lots via irrigation tap on lot 1 and pressurized irrigation line along the north and east boundary line of Lot 2 and east boundary line of Lot 3.
6. Storm water runoff shall be maintained by a swale along the shared access easement. Homeowners will maintain the drainage swales and run-off drainage on each lot (Attachment A, Plat notes #5 & #6).
7. Water and sanitary services will be provided via individual well and septic system (Attachment A, Plat notes #4 and 7).
8. On January 18, 2022 and March 9, 2022, the City of Middleton was noticed regarding the plat application which included a copy of the plat. No comments were received. The Area of City Impact Agreement does not have subdivision improvement requirements.
9. On February 17, 2022, the Planning and Zoning Commission recommended approval of the preliminary plat subject to the conditions of approval.
10. The record includes all testimony, the staff report, exhibits, and documents in case file no. SD2021-0046.
11. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies and the City of Middleton were provided on January 18, 2022 and March 9, 2022. Newspaper notice was published on March 27, 2022. Property owners within 600' were notified by mail on March 24, 2022. The property was posted on April 4, 2022.

Conclusions of Law

Pursuant to CCZO §07-17-09(5) – Board Action:

- A. *The board shall consider the commission's recommendation at a noticed public hearing.*
 - On February 17, 2022, the Planning and Zoning Commission recommended approval of the preliminary plat subject to the conditions of approval.
- B. *The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:*
 1. *The ordinance and standards used in evaluating the application;*
 2. *The reasons for approval or denial; and*

3. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.

Standard of Review for Subdivision Plats:

- A. Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions);
- B. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- C. Canyon County Zoning Ordinance (CCZO), Article 17 (Subdivision Regulations);
- D. CCZO Section 09-09-17(1)E, Middleton Area of City Impact Agreement. The city has the opportunity to review the plat application and render an opinion and recommendation to the county. On January 18, 2022, the City of Middleton was noticed regarding the plat application which included a copy of the plat. No comments were received. The Area of City Impact Agreement does not have subdivision improvement requirements.

The preliminary plat was found to be complete by Keller Associates (Attachment B) subject to conditions of approval. Condition #1 of the letter requires the ingress/egress easement to comply with provide road standards which requires a 60-foot road lot. The plat has been amended to provide access to Lots 1 and 2 from New Castle Drive and access to Lot 3 via Arden Court, a public road.

Upon review, the plat meets the minimum requirements within the CCZO Chapter 7, Article 17 (Subdivision Regulations). Improvements such as curbs, gutters, sidewalks, lighting and landscaping are not included. The improvements would be inconsistent with the adjacent subdivision and area. The existing subdivision has a landscaped entry with monument sign. Such improvements for this request, two additional lots, may look out of character.

Conditions of Approval

- 1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
- 2. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation district or ditch company (Attachment B).
 - a. Prior to final plat signature by the Board of County Commissioners, plat notes on the final plat regarding irrigation district shall be corrected to state the correct irrigation company/district.
- 3. The development shall comply with Southwest District Health requirements (Attachment B). Evidence of compliance shall be Southwest District Health's signature on the final plat.
- 4. The development shall comply with requirements and conditions of approval from Canyon Highway District #4 (Attachment C). Evidence of compliance shall be Canyon Highway District #4 signature on the final plat.
- 5. Prior to short plat approval by the Board of County Commissioners, a road user's maintenance agreement shall be recorded for shared access of the 60'x 30' ingress/egress easement in accordance with CCZO §07-10-03(1)B3.
 - a. The 60'x 30' wide shared access easement from Arden Ct. shall only serve Lots 1 and 3 for primary dwellings only. Secondary dwellings and/or access for Lot 2 requires the access to meet private road lot requirements. This condition shall be applied as a plat note or within the recorded road user's maintenance agreement.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0046, the Board of County Commissioners approve of the short plat for Lansing Lane Subdivision subject to conditions of approval as enumerated herein.

APPROVED this 19 day of May, 2022.


Commissioner Leslie Van Beek

Yes

No

Did Not
Vote

Commissioner Ken Smith

Commissioner Pamela White

Attest: Chris Yamamoto, Clerk

By: 
Deputy

Date: 5/19/22

[illegible]

ATTACHMENT B



November 10, 2021

Mr. Dan Lister
Canyon County Planner
Development Services Department
111 North 11th Ave #140
Caldwell, Idaho 83605

Re: Lansing Lane Subdivision Preliminary Plat Application

Dear Mr. Lister,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Lansing Lane Subdivision dated August 4, 2021. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

1. Please provide a variance request from DSD for the driveway that is less than the 60-foot minimum requirement.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
3. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
4. Plat shall comply with requirements of the local highway district.
5. Plat shall comply with irrigation district requirements.
6. Plat shall comply with Southwest District Health requirements.

We recommend that the preliminary plat be **APPROVED** with the conditions listed above. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above referenced preliminary plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992

Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Ryan V. Morgan".

Ryan V. Morgan, P.E.
County Engineer
cc: File



Mendenhall, ID 83641
(208) 288-1992

November 10, 2021

Mr. Dan Lister
Canyon County Planner
Development Services Department
111 North 11th Ave. #140
Caldwell, ID 83605

Re: Lansing Lane Subdivision Final Plat Application

Dear Mr. Lister,

Keller Associates, Inc. has reviewed the Lansing Lane Subdivision Final Plat dated October 15, 2021. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy County requirements

1. Please provide a variance request from DSD for the driveway that is less than the 60 foot minimum requirement.
2. Plat must be signed.

We recommend that the plat be **APPROVED** with the conditions listed above. Any variance or waivers to Canyon County's standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above referenced preliminary plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992

Sincerely,

KELLER ASSOCIATES, INC.

Ryan V. Morgan, P.E.
County Engineer

cc. File

ATTACHMENT C



CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

February 1, 2022

Canyon County Commissioners and Planning & Zoning Commission
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605
Attention: Dan Lister, Planning Official

RE: SD2021-0046
Lansing Lane Subdivision
Parcel Number: R33835011 aka 23412 Lansing Lane

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has received the request for comment on a preliminary plat for Lansing Lane Subdivision, Parcel R33835011 aka 23412 Lansing Lane. The parcel comprises approximately 4.74 acres, and is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T4N, R2W, of Canyon County. The subject property has approximately 350 feet of frontage on Lansing Lane along the east boundary, frontage on New Castle Drive along the north and east boundary, and frontage on Arden Court along the south boundary.

The preliminary plat dated December 3, 2021 by Kenneth Cook, P.L.S. of Timberline Surveying appears acceptable subject to the following conditions:

Right-of-Way Dedication:

1. Dedicate 40-feet of right-of-way for Lansing Lane along the westerly boundary as shown.
2. Dedicate a 30-foot radius right-of-way at the Lansing Lane/New Castle Drive intersection.

Access:

1. Abandon (remove) the existing access to Lansing Lane. Call out on face of plat, and include a plat note that "No lot shall have direct access to Lansing Lane."
2. All lots may use private road/private driveway approach to New Castle Drive as shown if desired. Construct paved approach to New Castle Drive per ACCHD SD-106.
3. Access for Lot 2 may utilize proposed private driveway as shown, or may permit a separate approach to New Castle Drive along the east boundary at least 75-feet south of the intersection.
4. Access for Lot 3 may utilize the proposed private driveway as shown, or may permit a separate approach to Arden Drive along the south boundary.

Frontage and Roadway Improvements:

1. Abandon (remove) driveway access to Lansing Lane Remove existing driveway and/or culvert and match existing ditch grades north and south of approach.

Traffic Mitigation

With 3 proposed residential lots (2 new), the development is not anticipated to exceed minimum threshold of 500 trips / day for requiring a traffic impact study. Mitigation of traffic impacts from the development will be made by dedication of public right-of way and public roadway improvements within and adjacent to the site.

All other platting and improvement requirements to be in accordance with the current edition of the Highway Standards and Development Procedures Manual in effect at the time of improvement drawing submittal.

CHD4 recommends approval of the preliminary plat subject to the conditions described in this letter, and requests the County make these conditions a requirement for approval of the proposed subdivision. This application is tentatively scheduled to be considered by the CHD4 Board at their February 16th, 2022 meeting. If conditions of approval different from these are required by the CHD4 Board we notify the county for your records.

Please feel free to contact me with any questions on this project.

Sincerely,



Chris Hopper, P.E.
District Engineer

File: Lansing Lane- Lansing Lane Subdivision (Bibbins)



Board of County Commissioners
Dirt Road Ranch Subdivision—SD2022-0015
Development Services Department

Findings of Fact, Conclusions of Law and Order
SD2022-0015 - Dirt Road Ranch Subdivision

Findings of Fact

1. The applicants have submitted a short plat for Dirt Road Ranch Subdivision, a three (3) lot subdivision (Attachment A). The request includes waiver of City of Star subdivision ordinances and improvements. The subject property is located at 24103 Rustic Ct., Star, Lot 2, Block 1 of Rustic Acres Subdivision; also referenced as a portion of the SW¹/₄ of Section 36, T5N, R2W, BM, Canyon County, Idaho.
2. The request was submitted concurrently with a conditional rezone request to a "CR-R-R" (Conditional Rezone - Rural Residential) Zone with development agreement (CR2022-0008). On September 15, 2022, the Planning and Zoning Commission recommended approval of the conditional rezone.
3. The property is located in the Middleton area of city impact and Star area of city impact. A notice was sent to both cities on June 15, 2022 and September 16, 2022.
4. The property currently uses 0.5 acre from a domestic well, 1.3 acres from the Farmer's Union Ditch right sourced from wastewater from mill Slough and 7 acres from an existing irrigation well. The two smaller lots will utilize domestic wells for irrigation.
5. The development will be served by individual well and septic systems.
6. The subject property is located within the Canyon Highway District #4 and Middleton Fire District. No comments were received from said agencies.
7. The development is not located within a mapped floodplain (Flood Zone X).
8. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2022-0015
9. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies, City of Middleton and City of Star were notified on September 16, 2022. Property owners within 600 ft. were notified by mail on October 14, 2022. Newspaper notice was published on October 16, 2022. The property was posted on October 24, 2022.

Conclusions of Law

Section 07-17-09(5) A of the Canyon County Zoning Ordinance (CCZO) states:

- A. *The board shall consider the commission's recommendation at a noticed public hearing.*
 - On September 15, 2022, the Planning and Zoning Commission recommended approval of the preliminary plat.
- B. *The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:*
 1. *The ordinance and standards used in evaluating the application;*
 2. *Recommendations for conditions of approval that would minimize adverse conditions, if any;*
 3. *The reasons for recommending the approval, conditional approval, modification, or denial; and*
 4. *If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision."*

Standard of Review for Subdivision Plats:

- A. Idaho Code, Sections 67- 6513 (Subdivisions);
- B. Idaho Code, Section 31-3805 & 67-6537 (Water Rights Irrigation Water Delivery);
- C. Idaho Code, Section 22-4503 (Right-to-Farm Act);
- D. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- E. Canyon County Zoning Ordinance (CCZO), Article 17 (Subdivision Regulations).
- F. City of Middleton: Pursuant to Section 09-09-13 of the Canyon County Code, (Applicable Ordinances - Middleton

Area of City Impact Agreement), County zoning and subdivision ordinances shall apply in the Middleton area of city impact.

- G. City of Star: Pursuant to Section 09-19-09 of the Canyon County Code (Applicable Ordinances and Standards Star Area of City Impact Agreement), subdivision, road widths, landscaping and roadway connection plans must be met unless waived. City of Star engineer must be a signatory agency on the final plat unless waived. All waivers must comply with Section 09-19-09(6). The City of Star provided approval subject to final plat corrections and waiver of City ordinances and subdivision requirements (Attachment D).

The plat was found to comply with applicable subdivision regulations and standards subject to recommended conditions (Attachment B)

Conditions of Approval

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat, if applicable.
2. Prior to final plat signature by the Board of County Commissioners, all conditions recommended by Keller Associates (Attachment B) shall be met. Evidence of compliance shall be provided to Canyon County DSD.
 - a. Per Canyon Highway District #4's letter (Attachment C), Lots 2 & 3 require a shared access easement. The easement shall comply with Canyon County requirements (CCZO Section 07-10-03).
 - b. If Lots 2 & 3 require a shared access, secondary dwellings per Section 07-02-02, 07-10-27 and 07-14-25 shall be prohibited on Lots 2 & 3. The final plat shall have a plat note with the secondary dwelling restriction.
3. In accordance with Section 09-19-09 of the Canyon County Code (City of Star Area of City Impact Agreement), the final plat shall be reviewed by the City of Star.
 - a. A signature block for the City of Star shall be included on the final plat. Prior to the Board signature of the final plat, the City of Star Engineer shall sign the final plat. Prior to signing, corrections requested by the City of Star (attachment D) shall be completed.
4. Prior to signing of the final plat, all conditions of the development agreement, signed as part of the approval of CR2022-0008, shall be met.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Board of County Commissioners approve Case #SD2022-0015, the Short Plat regarding Dirt Road Ranch Subdivision subject to the conditions enumerated above.

APPROVED this 14th day of November, 2022.


Commissioner Leslie Van Beek


Commissioner Kent Smith


Commissioner Pamela White

Attest: Chris Yamamoto, Clerk

By: 

Yes

No

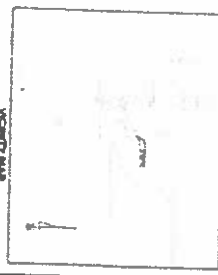
Did Not
Vote



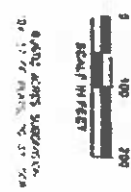


Date: 11-14-22

DIRT ROAD RANCH SUBDIVISION
 PRELIMINARY PLAT FOR
 SITUATE IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26
 TOWNSHIP 1 NORTH, RANGE 2 WEST, SLOPE HILLS
 COUNTY OF CANYON STATE OF IDAHO
 2022

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PLATBOOK	PAGE
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SURVEYOR'S NARRATIVE.

[illegible]

(b1) NASTIC ADAMS CORPORATION (b) (3) OF 64173, PAGE 37, COPI
(b2) ATTEMPT TO OBTAIN FBI NO. 100-449477, FBI
(b3) RECORDS OF BUREAU OF INVESTIGATION, FBI
(b4) RECORDS OF BUREAU OF INVESTIGATION, FBI
(b5) RECORDS OF BUREAU OF INVESTIGATION, FBI

SUBJECTS **WILSON UNIT**

LAT UNIT

BENT-OF-AIR LAC

SECTION LAC

CARD LAC

SALEMAN PROPERTY UNIT

PE UNIT

THURGOOD LAWSON LAC

SALESFORCE EDUCATOR LAC

SALESFORCE EDUCATOR LAC

NEWARK GROUPWARE LAC

PUBLIC BENT-OF-AIR UNIT

[illegible]

ATTACHMENT B



August 3, 2022

Ms. Stephanie Haley
Engineering Coordinator
Development Services Department
111 North 11th Ave. #140
Caldwell, Idaho 83605

Re: Dirt Road Ranch Subdivision Preliminary Plat Application

Dear Ms. Haley,

Keller Associates, Inc. has reviewed the Preliminary Plat for the Dirt Road Ranch Subdivision dated July 9, 2022. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

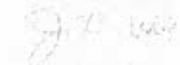
1. CHD4 will only allow one access (maximum 56-foot wide) for both lots onto Blessinger Rd. Consequently, if no cross access easement is established on the plat, then that one access will have to be located on the property line between lots 2 and 3. Also, be aware that the current plat configuration will not allow access to lots 2 and 3 from Willis Rd.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
3. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
4. Plat shall comply with requirements of the local highway district.
5. Plat shall comply with irrigation district requirements.
6. Plat shall comply with Southwest District Health requirements.

We recommend that Preliminary Plat be **APPROVED** with the conditions listed above. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above-referenced Preliminary Plat, when granted, does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 244-5065.

Sincerely,

KELLER ASSOCIATES, INC.



Justin Walker, P.E.

County Engineer



ATTACHMENT C

CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83601

TELEPHONE 208/454 8135
FAX 208/454 2008

October 26, 2022

Canyon County Board of Commissioners and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605
Attention: Stephanie Hailey, Planner

Rachel & Richard Burgo, Applicants
(by email)

RE: SD2022-00015 Final Plat for Dirt Road Ranch Subdivision
Canyon County Parcel R37627101 aka Lot 2 Block 1 Rustic Acres Subdivision

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a final plat of Parcel R37627101, creating three residential lots on the 7.5 acre parcel located in the SW ¼ SW ¼ Section 25 T5N R2W. CHD4 offers the following comments on the final plat dated September 30, 2022:

1. Linetypes for the Ingress/Egress Easement Line and the Private Driveway Easement are very similar at small scales, and may be difficult to distinguish with future reproductions of the plat. Recommend providing a callout to the 30' x 60' shared easement denoting it as a shared access easement, or referencing the plat note.
2. Add a note describing the shared access easement under Easement Notes, generally as follows: "Lot 2 and Lot 3 shall take access to Blessinger Rd via a single shared driveway access located on the common lot line. The shared access easement shall benefit both Lot 2 and Lot 3 for purposes of ingress/egress. No other access to Blessinger Rd is permitted."

The final plat dated September 30, 2022 is otherwise acceptable to the highway district. After making the revisions requested above the plat may be presented to the CHD4 Board of Commissioners for signature. Please provide an electronic copy of the revised plat (all sheets), and make the mylar originals available for signature at least 48 hours prior to a regularly scheduled board meeting.

Please feel free to contact me with any questions on these comments or the final plat approval process.

Respectfully,

A handwritten signature in black ink, appearing to read 'Chris Hopper', is written over a horizontal line.

Chris Hopper, P.E.
District Engineer



CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454 8135
FAX 208/454 2008

July 19, 2022

Canyon County Board of Commissioners and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605
Attention: Stephanie Hailey, Planner

RE: RZ2022-0008 Conditional Rezone from Ag to C-R-1 Residential
Canyon County Parcel R37627101 aka Lot 2 Block 1 Rustic Acres Subdivision

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a conditional rezone of Parcel R37627101 from Agricultural to C-R-1 Residential for the 7.5 acre parcel located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25 T5N R2W. CHD4 offers the following comments on the proposed use:

General

The subject property has approximately 480 feet of frontage on Blessinger Rd along the westerly boundary. A 40-foot public right-of-way for Blessinger Rd was dedicated by plat of Rustic Acres Subdivision in 2006 along the west boundary of the subject property. The subject property is located approximately 3,150 feet from Star city limits.

Blessinger Rd at the west side of the subject property was constructed in 2022 by developers to the north of the subject property. Blessinger Rd is classified as a major collector on the functional classification maps adopted by CHD4 and Canyon County, and has restrictions on direct property access.

Existing Access

The subject property currently takes access to the public highway system via a private access easement through portions of Rustic Acres Subdivision, and via the privately maintained Willis Road east of Blessinger Rd. Willis Rd between the public highway system at Blessinger Rd and the subject property's access easement is privately maintained, although portions of the road are located within public right-of-way created by the Rustic Acres plat. The applicants should verify an easement or other permission to access the property is available.

Future Access

Access for development of the subject property for the R-1 residential use appears to be available via one of two alternatives:

1. Using the existing access path via private Willis Road, and the existing access easement through Parcel 37627011 (24080 Blessinger Rd) and through Lots 2 & 3 of Rustic Acres Subdivision. The point of public road access for this path would be the existing Blessinger Rd culdesac. Any road improvements would fall under County standards for a private road or driveway. CHD4 cannot accept for maintenance any road improvements unless there is a dedicated public right-of-way, or
2. Direct driveway access to Blessinger Rd may be permitted for one or two lots under current CHD4 access policy (HSDP Manual Section 3061.020), via a single shared access to be located near the

center of the subject property frontage on Blessinger Rd. The subject property does not have sufficient frontage to accommodate a private or public road access, which would be required for serving 3 or more lots under the County's definition of a private road.

Right-of-Way Dedication:

Future public roadways shown on the current Canyon County functional classification map include Blessinger Road along the west boundary of the subject property. The 40-foot half width right-of-way dedicated by plat of Rustic Acres meets the current requirement for a half-width collector road right-of-way.

Traffic Impacts:

The proposed R-1 zoning for 7.5 acres is below the threshold that would initiate a traffic impact study under CHD4 policy, and is not anticipated to generate traffic volume sufficient to significantly impair the existing or future transportation network. Traffic impacts will be mitigated through collection of development impact fees.

SD2022-0015 Preliminary & Final Plat for Rustic Acres West Subdivision

CHD4 has received request for comment from Canyon County for a preliminary and final plat for Rustic Acres West Subdivision, which includes the subject property. The applicant, Rachel Burgo, has made application to CHD4 for review of the plat, and paid the appropriate review fees. This plat will be reviewed, and comments provided to the County and applicant, in the order in which the application has been received. Given the current volume of development applications, the time for review is anticipated to exceed 30 days.

CHD4 requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make all requirements provided above conditions of approval of this proposed conditional rezone. CHD4 does not oppose the requested land use changes. Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

ATTACHMENT D



City of Star

P.O. Box 130
Star, Idaho 83669
208-286-7247
ax 208 286-7569

www.staridaho.org

Mayor:
Trevor A. Chadwick

Council:
Kevin Nielsen
Jennifer Salmonsen
Kevan Wheelock
David Hershey

25 October 2022

**Dan Lister
Canyon County Planning Director
111 N. 11th Ave
Caldwell, ID 83605**

Re: Dirt Road Ranch Subdivision – Plat Application

Dear Mr. Lister

The City of Star Engineering Department has reviewed the Plat for the Dirt Road Ranch Subdivision dated September 30, 2022. We reviewed the applicant's package to check conformance with the City's Subdivision Ordinance and coordinated our review with Shawn L. Nickel, Star City Planning Director. We have the following comments and questions based on our review.

1. Star City Unified Development Code require 15 percent open space within all subdivisions. However, there is an option to wave this requirement by City Council in an R-1 zone. Because this property is located in the Star Comprehensive Plan Future Land Use Map designation of Low Density Residential (1 unit per acre maximum), a future City zoning designation of R-1 is likely. The City of Star would therefor support the Canyon County Commissioners in waving this requirement
2. The City of Star Unified Development Code requires 7-foot-wide sidewalk and a 30-foot-wide landscape buffer along Blessinger Road. The City of Star would support the Canyon County Commissioners in waving this requirement, if it is also supported by the Canyon County Highway District #4
3. Star City Ordinances do not allow potable water for irrigation purposes. A separate pressure irrigation system is typically required. However, because this is located in a rural residential area, with a future zoning of R-1 likely, the City of Star would support

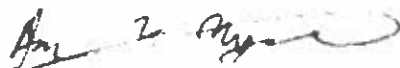
the Canyon County Commissioners in waving this requirement, if items 1 and 2 are also waived.

4. Please have the applicant include the following note on the plat (replacing note 6,
 - a. "Minimum building setbacks shall be in accordance with the City of Star applicable R1 zoning and subdivision regulations at the time of issuance of individual building permits or as specifically approved and / or required, or as shown on the this plat."
5. Add a signature line for the Star City Engineer that reads as follows:
 - a. "I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF STAR, ADA COUNTY, IDAHO, ON THIS DAY, _____, HEREBY APPROVE THIS PLAT."

We recommend that the plat be APPROVED with the conditions listed above. Any further variances or waivers to the City of Star standards, ordinances, or policies, as recognized in the Area of Impact Agreement must be specifically approved in writing by the City. Approval of the above referenced plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to contact City Hall.

Sincerely,



Ryan V. Morgan, P.E.
City Engineer

Dangerous Conditions Continue Near Boise River

Middleton & Star Fire first responders at [redacted] officials are warning [redacted] by [redacted]

As the Middleton School District rolls into the summer months, the daily lessons and teaching end and the preparation for the 23-24 school year starts in full force. In addition to the regular maintenance, cleaning, and preparation, we have a number of projects on the docket as we prepare for the coming school year.

First, the roof at Middleton Heights Elementary will be replaced this summer. We have worked through the bid process and awarded the contract for the replacement. The district is utilizing saved plant facilities funds to complete this project.

Second, the district is installing five new portable classrooms. These classrooms will each have two classrooms,

School summers: A different kind of busy

students at each of the schools. At the middle school there are currently two classrooms and two office spaces used for the instructional specialists and curriculum department. The instructional specialists will move to the portable so that the classrooms in the building can first be used for the students. Those in the office spaces will be moved to the district office.

Funds for these portables came from the Elementary and Secondary School Emergency Relief (ESSER) allocations.

Third, the high school football field turf will be replaced. A field typically lasts 8 to 10 years. The district, through careful management, has extended the life to roughly 12 years. Funds from the original bond that could only be used for facilities at the high school,



Superintendent Marc Gee

for a total of 10 new classrooms. Two of the portables (4 classrooms) will be placed at Mill Creek Elementary. Two others (4 classrooms) will be placed at Heights Elementary. The final portable (2 classrooms) will be placed at the middle school.

The classrooms at the elementary schools will be used to house the increase in

in addition to fundraising efforts by the football program over the last 12 years, have paid for this replacement.

Finally, teachers will be receiving training, and materials will be delivered for the renewal and adoption of our math curriculum for the next 6 years. The funds for this project was budgeted from general funds and the supplemental levy, and is a part of a six-year

curriculum adoption cycle.

We appreciate all who are working so hard now, to prepare for the return of our wonderful students!

~Superintendent Marc Gee can be reached at mgee@msd134.org. Middleton School District

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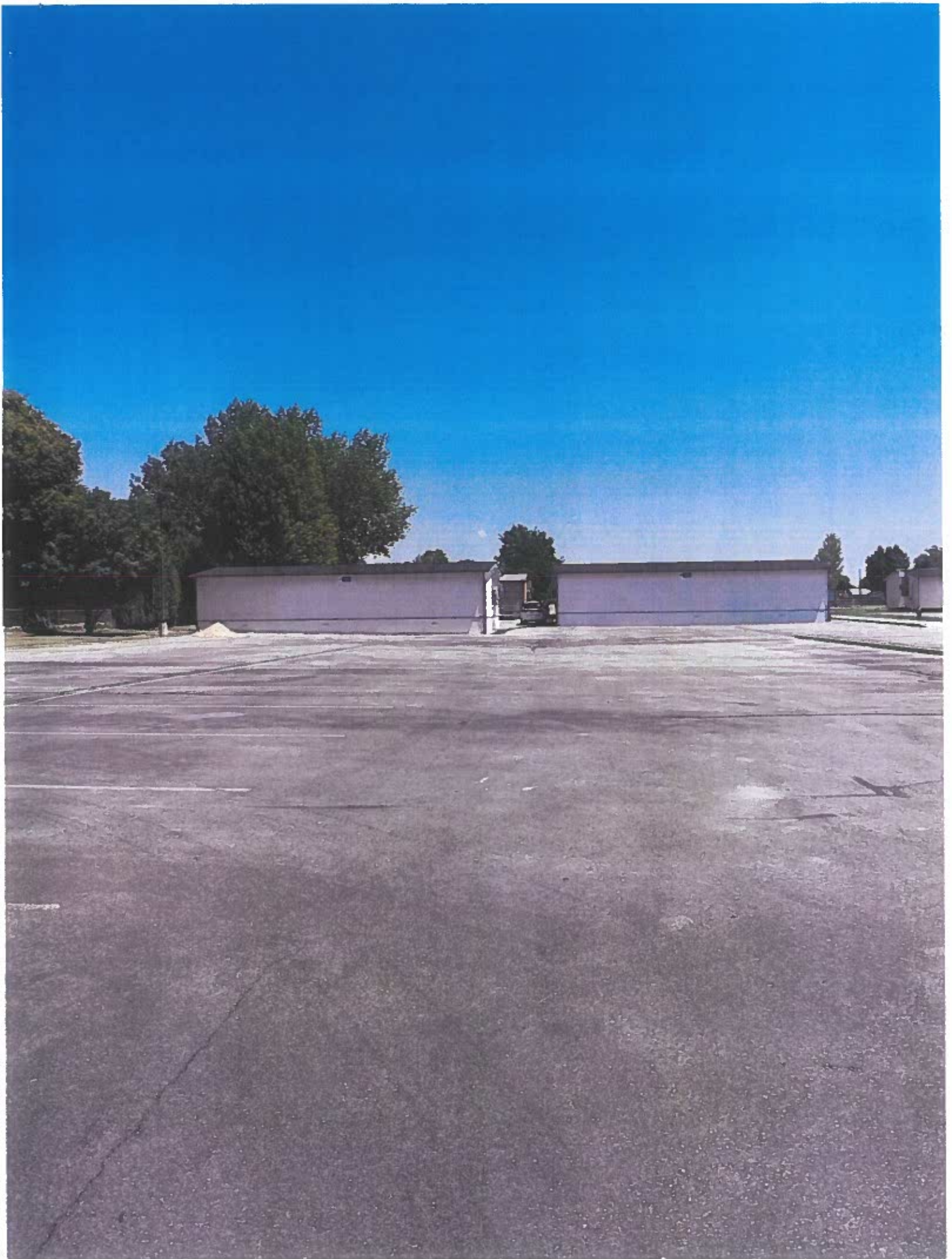
EXHIBIT

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5 ppe

* Annual Percentage Yield (APY) effective 05/01/2023. CDs offered by Edward Jones are bank-issued and FDIC-insured up to \$250,000 (principal and interest accrued but not yet paid) per depositor, per insured depository institution, for each account ownership category. Please visit www.fdic.gov or contact your financial advisor for additional information. Subject to availability and price change. CD values are subject to interest rate risk such that when interest rates rise, the prices of CDs can decrease. If CDs are sold prior to maturity, the investor can lose principal value. FDIC insurance does not protect against interest rate risk. CDs are not redeemable prior to maturity without penalty. CDs are not FDIC-insured. All CDs sold by Edward Jones are registered with the Depository Trust Corp. (DTC).

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Darin Taylor

From: Andelin, Ammon <ammonandelin@financialguide.com>
Sent: Tuesday, June 20, 2023 2:31 PM
To: Darin Taylor
Subject: FW: Vallivue Bond Passage

Great quick read about vallivue school district recent passing of bond.

From: Spencer Kofoed <Spencer@tcpidaho.com>
Sent: Tuesday, May 30, 2023 3:04 PM
To: Andelin, Ammon <ammonandelin@financialguide.com>
Subject: FW: Vallivue Bond Passage

See this message from the BCA

From: Mercedes Broomhall <mbroomhall@srvbca.com>
Sent: Tuesday, May 30, 2023 1:58 PM
To: spencer.tradition@gmail.com
Subject: Vallivue Bond Passage



Snake River Valley Building Contractors Association

May 30th, 2023

Vallivue Bond Passage Removes Barriers to Housing Progress in Canyon County

The May 16 passage of the \$78 million Vallivue School District facilities bond will open the door to greater opportunity for homebuilders and developers to meet the housing demand in Canyon County.

The Snake River Valley Building Contractors Association (SRVBCA) supported and actively campaigned in favor of the bond as a solution to Vallivue's overcrowding challenge. As we've previously reported, Vallivue school officials had begun actively opposing development applications before the Caldwell City Council and Canyon County Commissioners, claiming the district did not have the building capacity to accommodate additional students. In addition, Vallivue had begun trying to extract a "voluntary mitigation fee" of \$1,000 per door from developers in exchange for the school's support of their applications.

The SRVBCA's campaign efforts helped push the bond election past the 66.6% voter threshold necessary for approval. The SRVBCA Political Action Committee, combined with the Nampa REALTORS and a few individual companies contributed nearly \$15,000 to organize and execute a legitimate YES campaign in favor of the bond. This effort included voter identification efforts, over twenty thousand direct mail pieces, thousands of get-out-the-vote phone calls and text messages, and volunteers to hand out voter information to the patrons of Vallivue School District.

The results? 71.2% of those who voted said YES to the bond passage on May 16. In fact, nearly as many voters said yes to this bond as the total amount who voted in the \$55 million August bond election – which failed by 37 votes. The

passage of this bond will allow the school district to build two new elementary schools – one on the east side of the district, and one on the west side. It will also provide funds to make repairs and upgrades to existing buildings.

As builders, developers, and REALTORS, we recognized a significant barrier to meeting the housing demand in Canyon County was emerging in the Vallivue School District. The leadership of the SRVBCA chose to take the rather unprecedented step of engaging in a campaign to eliminate that barrier. With the passage of this bond, Vallivue now has no excuse for opposing projects or demanding thousands of dollars in "mitigation fees". Our members can now proceed to meet the housing demand in the Snake River Valley while saving thousands of dollars, which will reduce costs to our members and make housing prices more affordable.

Now we are asking for your help to replenish our PAC funds and prepare for the next battle affecting our industry. The building industry is facing unprecedented challenges in addressing mounting costs to builders and developers. We will continue to advocate on your behalf at a greater level than ever before. Please consider a generous contribution to the SRVBCA PAC. With the tough issues facing the building industry, your support enables us to further our efforts and be recognized as a respected voice in the community, in Idaho and beyond with the National Association of Home Builders national efforts.

We are looking forward to continued success because of your membership and involvement.

Sincerely,

Greg Hathaway, 2023 President

Snake River Valley Building Contractors Association

This email was sent on behalf of Snake River Valley Building Contractors Association located at P.O. Box 254, Nampa, ID 83653-0254. [To unsubscribe click here](#). If you have questions or comments concerning this email contact Snake River Valley Building Contractors Association at srvbca2@outlook.com.

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Middleton School District 2022 Bond Election Information



August 30, 2022 Frequently Asked Questions

Note: The table of contents is linked to questions and answers or you may want to peruse the whole document.

tabbles

EXHIBIT

I-5 16 pp2

ELECTION INFORMATION

Is this a levy or bond election?

What is the difference between a levy and a bond?

Didn't I just vote on something in March?

Why is this bond measure important?

We are responding to the growth in our district. Currently our elementary schools are at 110% of capacity and with continued growth we anticipate that to increase and require additional space for students to learn. Mill Creek was 123% and Heights was 127% as of April, 2022. We also want to provide our secondary students with more options in today's world where not all students go on to college. Students want to graduate with bonafid training that gets them into the job market with experience.

Why can't the School District collect impact fees like the city can?

CURRENT AND PROJECTED GROWTH IN THE MIDDLETON SCHOOL DISTRICT

Spring 2022 Demographic Data

LET'S BREAKDOWN THE PROJECTS

ELEMENTARY SCHOOL

Why do we need a fourth elementary school?

Where will the new school be built?

Why would it be located so close to the other elementary schools near the city of Middleton?

CAREER TECHNICAL EDUCATION BUILDING

What is Career-Technical Education (CTE) building for?

Where will the CTE Center be located?

HEIGHTS ELEMENTARY AND OTHER PROJECTS

What needs to be done at Heights Elementary and why?

ANSWERS TO YOUR QUESTIONS

Are land owners/sellers and developers being assessed for the building of schools and/or improvements due to overcrowding?

If you build a new school, would you have enough staff?

Why do you need a new elementary school?

Does the proposed bond add another \$140-160 per \$100,000, so it will now be \$300-320 per \$100,000?

Do out-of-district students contribute to our capacity problem? 7

Haven't voters been asked to approve a bond for a new elementary in the past? 7

Could the Middleton School District charge out-of-district students' families a fee? 8

When will it be time for a new middle school? 8

Has the Board recognized what a heavy lift this will be in light of the current economy? With the current state of the economy, inflation, gas prices and food prices there are many who cannot afford to even live here. I wonder, when it now takes more than \$100 to fill my gas tank, if the school board is out of touch with reality? I can personally afford the economy, but I'm just anticipating how others will feel. 8

It's likely that in two years we won't be in this situation and folks will feel better about approving a bond such as this. 8

Can you please address the timing of this bond measure, especially in light of the recent increased property assessments, fuel costs and the possibility of a recession? 8

I have had some concerns about the design of the proposed elementary school since the first election. Have you talked with teachers and administrators? 9

Where do the tax receipts go when new people move into the Middleton School District? 9

Is this the only method you have to fund the construction of a new school? 10

WHAT WILL THIS MEAN TO ME AS A TAXPAYER? 10

What happens to the cost of the bond for me if the value of my home increases? 10

What will the ballot say? 12

How much of my current property taxes go to fund the Middleton School District, compared to other taxes? 12

How much of my taxes goes to Middleton Schools? 13

Here is a breakdown of the Middleton School District's 2022-2023 budget. Review budget information and financial reports here. 14

VOTER INFORMATION 15

Who is eligible to vote? 15

How do I register to vote? 15

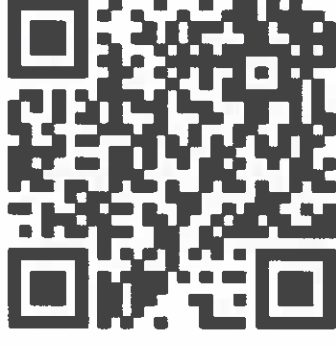
Is early voting available? 15

Where do I vote in person? 15

Middleton School District 2022 Bond Election Information

*For information not provided in these Frequently Asked Questions or for further clarification, please email
Business Manager/Treasurer [Alicia Krantz](#), regarding financial questions,
and Superintendent [Marc Gee](#) regarding general questions.*

The Middleton School District is asking voters to approve a bond measure for three projects. [Here is the bond resolution.](#) We have quite a bit of information on a web page dedicated to the August Bond Election. We also have several charts and graphics that explain sometimes confusing numbers in an easy-to-understand format. You can find all that, in addition to renderings of the proposed projects on the page as well. Scan this QR code, or go directly there at <https://www.msdl34.org/domain/1996>.



ELECTION INFORMATION

Is this a levy or bond election?

This is a bond election to build a new elementary school, to renovate Heights Elementary School and build a CTE (Career Technical Education) building (more information on these projects here).

What is the difference between a levy and a bond?

In Middleton, short-term levies support basic educational programs and pre-determined short-term maintenance projects. Voters approved a continued supplemental levy in March, just as the community has done since 2004. School bonds provide funds for large long-term capital projects such as modernization of buildings, new school construction or acquisition of property.

Didn't I just vote on something in March?

Yes, and the Middleton School District appreciates the support it received from the voters. That was a levy to "supplement" the annual operating budget. State and federal funding make up most of the annual budget. The Middleton School District currently receives \$1.5 million from the current supplemental levy that expires June 30, 2022. The new levy will continue that financial support.

Why is this bond measure important?

We are responding to the growth in our district. Currently our elementary schools are at 110% of capacity and with continued growth we anticipate that to increase and require additional space for students to learn. Mill Creek was 123% and Heights was 127% as of April, 2022. We also want to provide our secondary students with more options in today's world where not all students go on to college. Students want to graduate with bonafid training that gets them into the job market with experience.

Why can't the School District collect impact fees like the city can?

This is determined by the state legislature. Currently state law does not allow impact fees to be collected for schools or libraries. There is a push at the legislative level to change this, however, as of the writing of this document, no bill has been introduced. It is important to note as well that, in most cases, impact fees are not high enough to build a complete school building, but could pay for portions of new buildings, thus making the cost to taxpayers less.

CURRENT AND PROJECTED GROWTH IN THE MIDDLETON SCHOOL DISTRICT

Historical and Projected Growth by School Level (2013-2027)

Grade	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
K-5	1588	1630	1699	1694	1736	1773	1698	1576	1658	1721	1767	1824	1882	1883	1912
6-8	868	960	919	966	970	993	1004	965	1003	992	1027	1048	1083	1109	1090
9-12	1169	1200	1262	1275	1336	1339	1388	1464	1524	1601	1651	1719	1700	1720	1735
K-12	3625	3790	3880	3935	4042	4107	4090	4005	4185	4313	4445	4591	4665	4712	4737

Spring 2022 Demographic Data

Middleton School District contracted with Davis Demographics in the fall of 2021 to develop and analyze demographic data relevant to the district's facility planning efforts.

The first document is a 4-page summary of the report. [Click here to review it.](#)

The second document is a 68-page in depth population analysis and 10-year student population projections. [Click this link to review the longer report.](#)

LET'S BREAKDOWN THE PROJECTS

ELEMENTARY SCHOOL

Why do we need a fourth elementary school?

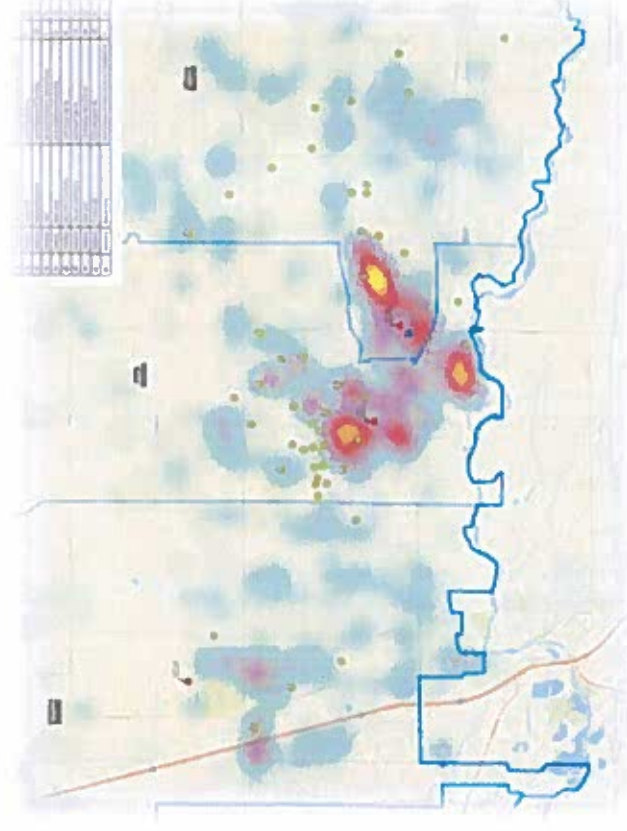
Currently our elementary schools are at 110% of capacity and with continued growth we anticipate that to increase and require additional space for students to learn.

Where will the new school be built?

The New Elementary School would be built on land that the district already owns on Meadow Park Blvd. Boulevard.

Why would it be located so close to the other elementary schools near the city of Middleton?

For two reasons. First, the district already owns the property thus avoiding additional costs of purchasing a different property. Second, the majority of our students live within these areas, see student population density to right. While future growth may require an elementary further toward Can-Ada Road, the need for the current students enrolled is concentrated in the south central portion of the school district.



CAREER TECHNICAL EDUCATION BUILDING

What is Career-Technical Education (CTE) building for?

A CTE Center would be for all high school students, including those who attend Middleton Academy. Traditional students at the high school get their core credits, but they also need other options for training. We used to prepare our students to go onto college. But many graduates don't go to college. It's expensive and it's just not them. Many of today's employers are looking for high school graduates who want to get into a particular field and who already have some on-the-ground experience. High schools across the country are doing just that. We can do it on a limited level, but a center increases this program and underscores the importance of learning a trade or getting experience if they don't go to college.

A CTE Center would also increase capacity at the Middle School when the current academy moves to the new building. At the high school, capacity would increase by the number of students who are attending the CTE Center during any given period.

Where will the CTE Center be located?

The New Career Technical Center would be built either on land the district currently owns, or land donated to the district. The district is in discussion with landowners identifying potential sites. The district is negotiating with potential land donors.

HEIGHTS ELEMENTARY AND OTHER PROJECTS

What needs to be done at Heights Elementary and why?

The two-story building was built in 1987 and has several areas in need of renovation and/or modernization. The roof needs to be replaced; \$200,000 has been earmarked to repair the damage created by water seepage caused by the earth berms. Extra sinks are planned in the laboratory classrooms for engineering, science and art classes. Restrooms and other parts of the school, including the portables at the school, are not ADA compliant. [To review the complete list, click on this link.](#)

ANSWERS TO YOUR QUESTIONS

Are land owners/sellers and developers being assessed for the building of schools and/or improvements due to overcrowding?

Those who own any land in the Middleton School District are currently being assessed at the same rate as any other property owner for the bonds and levies currently on the books.

However, if you are asking if things like impact fees that are collected for schools when property is sold or developed, they are not. As a district, we cannot legally assess any of those types of fees, based on our current state law.

As a district, we have started meeting with developers and looking for ways that they can support the schools, even though impact fees are not required. We have had conversations around donations of land as sites for future schools as well as donations to different causes or programs.

However, these are all voluntary on the part of the developer, and not required.

As a district, we support state legislation to collect impact fees for schools. We acknowledge, however, that impact fees would not be sufficient for building a whole school. It could certainly help defray the costs. We have been advocating for these changes with our local legislators, as it would need to be addressed at the state level.

If you build a new school, would you have enough staff?

If we were to build a new school, we would have enough educators. The state provides funding for teachers and support staff. That cost is not included in the construction cost.

Public school districts in Idaho receive funding for both staffing and operational costs based on Average Daily Attendance or Average Daily Enrollment (these two have been used at different times by the state). Essentially that means that as our enrollment increases, our allocation from the state for staffing and operations increases accordingly. Additionally, as our numbers increase, so will our staff and operations allocations from the state.

Having qualified people to fill those jobs is challenging, but at this point we have been able to fill most of our open positions for the new school year. We anticipate that we will have them all filled before school starts in the fall.

Why do you need a new elementary school?

It's a lack of space for students. For instance next year at Mill Creek Elementary, we have to bring in four new classrooms in two portable units. Because of supply chain issues we won't get those portable classrooms until November. In the meantime, the teachers will split the library into two. All computer labs will be changed to classrooms, and the teacher's lounge will be used as a classroom. We are simply running out of space. The portables help, but we can only put so many of those at any given school and still maintain our ability to keep students' education safe and effective. It's also important to recognize that portable units are only a temporary solution. We would rather put those funds into permanent buildings.

How much do portable units cost?

We will lease two portables (two classes in each) at a rate of \$3,500 per portable per month. That figures to be \$42,000 per year per unit, for a total of \$84,000 per year. If the bond passes, we anticipate leasing for two years while the school is built. If the bond does not pass, we will look at a purchase option, with the cost being around \$250,000 each, for a total of \$500,000. For any need over three years the purchase option is a better financial move.

Does the proposed bond add another \$140-160 per \$100,000, so it will now be \$300-320 per \$100,000?

It does not add another \$140-\$160 to your tax bill, but it does extend the amount of time that patrons would be asked to pay that amount by 20 years. The reason your tax bill for the bond goes down is directly correlated with the increasing number of homes and taxpayers in our school district boundaries. Each year as we make a bond payment, we need a specific dollar amount that stays (mostly) the same. So as more people come into the district, the rate that we have to ask each individual property owner can go down.

Do out-of-district students contribute to our capacity problem?

When Superintendent Marc Gee came to the district in the fall of 2021, he recommended that the Middleton School District stop allowing "new" out-of-district students in. With one unusual exception, we have maintained that decision throughout this year and will maintain that through the coming school year.

However, when it comes to students who were already here, we felt it was best for those students to complete their time in the district. Many of these students had been a part of our district for five or more years, some for as many as 11 years, and we felt it would be disingenuous to force those students to leave the district when they and their families had committed so much of their lives to our district. So each year we will see that number drop.

If all those students were to leave, it is true that we might not need the bond this year, but within two years, projected growth would overcome the number of out-of-district students we sent back, and we would be right back where we are today, with a possibly higher bill to pay for a new school because building costs continue to skyrocket.

Haven't voters been asked to approve a bond for a new elementary in the past?

Yes. Two other times. When the new elementary school was proposed in 2015 it was around \$16 million to build. When Middleton tried again in 2018, it was up to around \$22 million. Now we are at \$28 million, with an expected 10% increase in the next two years.

Could the Middleton School District charge out-of-district students' families a fee?

We have been in talks with the Idaho State Department of Education and our legal counsel about the possibility of requiring an additional fee to be charged for those families that live outside of the district so that they can bear their respective part of the burden for school operations and buildings. That has not yet been resolved, but we are working to find out if that is a possibility.

When will it be time for a new middle school?

It's hard to predict how early one would be needed. However, if the bond passes, we would move the Middleton Academy students to the CTE Center and we will be able to increase capacity at the middle school by about 12 classrooms, thus pushing that date further out.

Has the Board recognized what a heavy lift this will be in light of the current economy? With the current state of the economy, inflation, gas prices and food prices there are many who cannot afford to even live here. I wonder, when it now takes more than \$100 to fill my gas tank, if the school board is out of touch with reality? I can personally afford the economy, but I'm just anticipating how others will feel. It's likely that in two years we won't be in this situation and folks will feel better about approving a bond such as this.

Yes, the Board of Trustees recognizes the heavy lift and discussed that during the board meeting, held on June 13. [You can listen to it here.](#) Trustees expressed concerns and what it means to our local residents. At the same time, trustees recognize their duty to provide a safe environment for students to learn. Overcrowding and placing students in portable classrooms disrupts the learning process. It's not equal to the students in a traditional classroom. Often portables, that are meant to be temporary, become permanent fixtures on a school campus. Furthermore, the ventilation in portable classrooms can become a problem.

Can you please address the timing of this bond measure, especially in light of the recent increased property assessments, fuel costs and the possibility of a recession?

The Middleton School Board Trustees understand the financial strain that our community is facing and the daunting future.

Yes, it's a heavy lift, but one concern of waiting on a bond is that the costs continue to rise. It will simply cost more if we delay it for a couple of years. This elementary design had bond attempts in 2015 and 2018. In 2015 the cost for the same school on the same lot was \$16 million. In 2018 it was \$22 million. Today it's \$28 million and contractors are telling us to expect a 5-10% increase per year for the foreseeable future.

As we designed the bond proposal, the district focused on keeping the cost per \$100,000 the same or lower. That's why we are asking for a specific dollar amount, not a rate, and so as more people move into the community, the cost for each property owner decreases.

Over the past 5 years, the cost for taxpayers has dropped from \$367 to \$161 per \$100,000 of taxable property value. As more people move into the district, that cost will continue to go down to the point that we anticipate we can keep the cost at \$161 or lower, even while increasing the total bond liability.

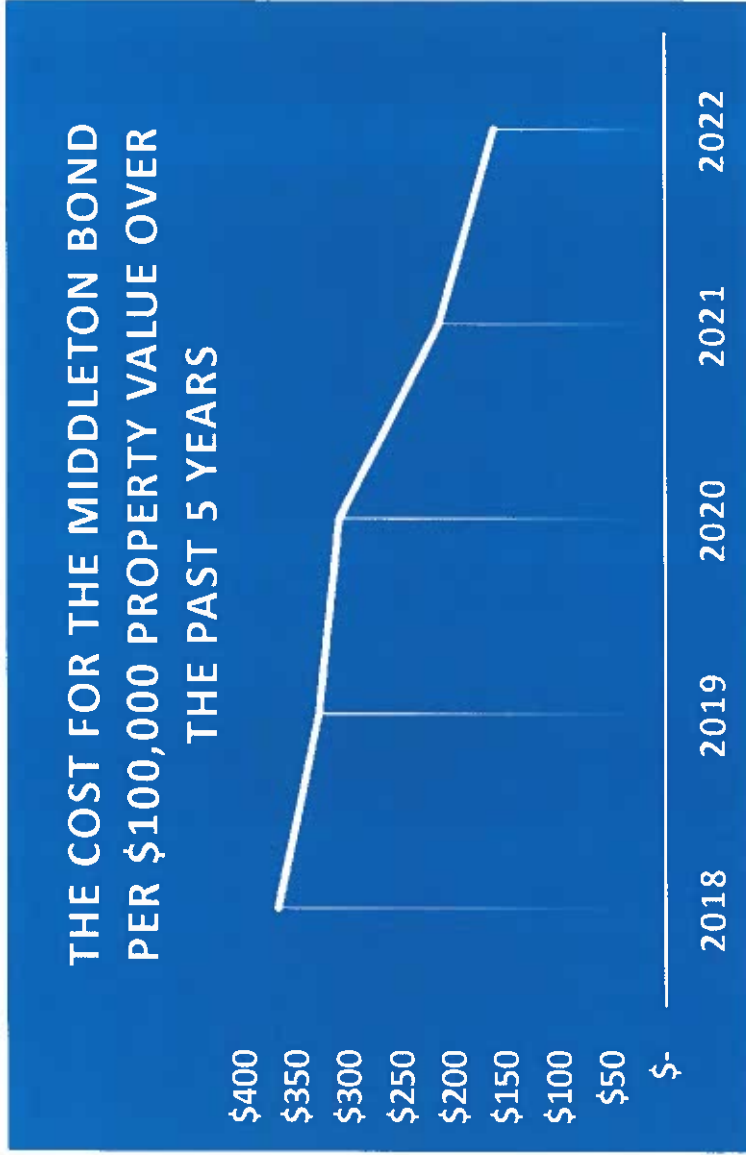
I have had some concerns about the design of the proposed elementary school since the first election. Have you talked with teachers and administrators?

Superintendent Marc Gee would love to get more feedback regarding the proposed elementary school. He has met with several regarding the plan.

One of the reasons we have been keeping with this design is to try and keep costs as low as we can. Previous attempts at bonding for this elementary resulted in a number of architectural and planning costs that the district would be responsible for if we were to change direction at this point. That's not to say we can't address some of the concerns within the scope of the current design, but to completely abandon the design would have a high cost that we would then have to include in the bond.

Where do the tax receipts go when new people move into the Middleton School District?

Those funds are applied to our existing bond and that's why the rate that we ask for continues to go down because there are more people to share the burden. Those funds are what would help keep the costs for these projects down. The school district would require a fixed dollar amount to pay its bond each year. As more people come in, the cost for individual taxpayers would go down for that school project. It's also important to know that the Middleton School District can't speak for other taxes that might be levied by other agencies.



Year	2018	2019	2020	2021	2022
Cost per \$100,000	\$367.60	\$328.62	\$309.49	\$214.26	\$161.43

Is this the only method you have to fund the construction of a new school?

Based on Idaho laws, this is the only method we have for raising the necessary funds.

WHAT WILL THIS MEAN TO ME AS A TAXPAYER?

What happens to the cost of the bond for me if the value of my home increases?

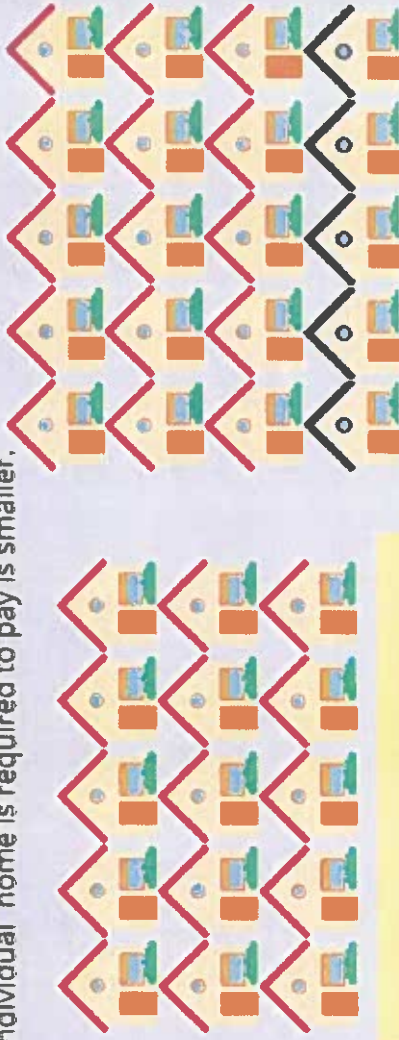
This is difficult to answer specifically because every person's home value is different. While the district can confidently say that what is asked of individuals per \$100,000 of value is going down from year to year, if the value of your home were to increase, it has the potential to increase your overall tax bill. Not because the district is asking for more money, but because the value of your home has increased.

Here are some graphics that may help explain the impact on taxes as more taxpayers move into the Middleton School District.

How can my tax rate per \$100,000 for the district go down when the amount you are asking goes up and my home value goes up?

There are several factors. The school district is asking for a fixed amount of money, not a fixed percentage rate. As the number of taxpayers goes up, the amount that each person pays goes down. This has a relatively equal effect on all taxpayers.

Example: Let's say that in 2020 the district needed \$5,000 and there were 15 homes in the district. Then in 2021 five more homes were built. Because the district is asking a fixed amount each year, the amount that each individual home is required to pay is smaller.



**\$5,000 ÷ 15 homes =
\$333.33 per home**

**\$5,000 ÷ 20 homes =
\$250.00 per home**

Total Tax Cost of Middleton School District Bonds and Levies

2020, 2021, 2022 Actuals

Fiscal Year	2020 Actual	2021 Actual	2022 Actual	2023 Projected with new bond
Bond	\$4,927,402	\$3,939,377	\$3,948,637	\$4,500,000
Supplemental	\$1,310,000	\$1,500,000	\$1,500,000	\$1,500,000
Tort	\$37,108	\$44,378	\$50,249	\$54,785
Total Levy Amount	\$6,274,510	\$5,483,755	\$5,498,886	\$6,054,758
Market Value	\$1,592,099,321	\$1,838,583,751	\$2,446,102,153	\$3,913,763,445
Tax Rate per \$100,000	\$394	\$298	\$225	\$155
Market Value Growth		15%	33%	60%

Assumes 60% growth in market value for FY 2023 (Tax Year 2022)

Based on preliminary data from Canyon County

What will the ballot say?

We have included a screenshot of what the ballot should say. Once Canyon County has a sample ballot at the end of July, we will include that.

(Form of Ballot)

OFFICIAL BALLOT

SPECIAL GENERAL OBLIGATION BOND ELECTION
SCHOOL DISTRICT NO. 134,
CANYON COUNTY, STATE OF IDAHO

August 30, 2022

Shall the Board of Trustees (the "Board") of School District No. 134, Canyon County, State of Idaho (the "District"), be authorized to issue general obligation school bonds of said District in the principal amount not to exceed \$59,435,000 for the purpose of financing the costs of (i) acquiring and constructing a new elementary school, including all related site work and supporting infrastructure; (ii) acquiring and constructing a new career technical education (CTE) center, including all related site work and supporting infrastructure; (iii) renovating and improving Heights Elementary; and (iv) repairing, renovating, and remodeling other existing schools and facilities in the District, together with furnishings and equipment necessary to operate said facilities and improvements; the final installment of such bonds to fall due not later than twenty (20) years from the date of issuance, all as provided in the Bond Election Resolution adopted by the Board on June 13, 2022?

The interest rate anticipated on the proposed bond issue, based upon current market rates, is three and seventy-seven hundredths percent (3.77%) per annum. The total amount estimated to be repaid over the life of the bonds, based on the anticipated interest rate, is \$68,363,167, consisting of \$59,435,000 in principal and \$31,112,167 of interest, less \$22,184,000 in estimated bond levy equalization payments. The term of the bonds will not exceed twenty (20) years from the date of issuance.

How much of my current property taxes go to fund the Middleton School District, compared to other taxes?

Your total property tax bill covers a myriad of costs for different taxing entities. Here's the latest breakdown of taxes for Middleton area property owners. The 2022 Canyon County snapshot, provides an overview of the taxes collected for residents who live in the City of Middleton. See the pie chart on the next page.

The estimated average annual cost to the taxpayer on the proposed bond levy is a tax of \$140 per \$100,000 of taxable assessed value, per year, based on current conditions.

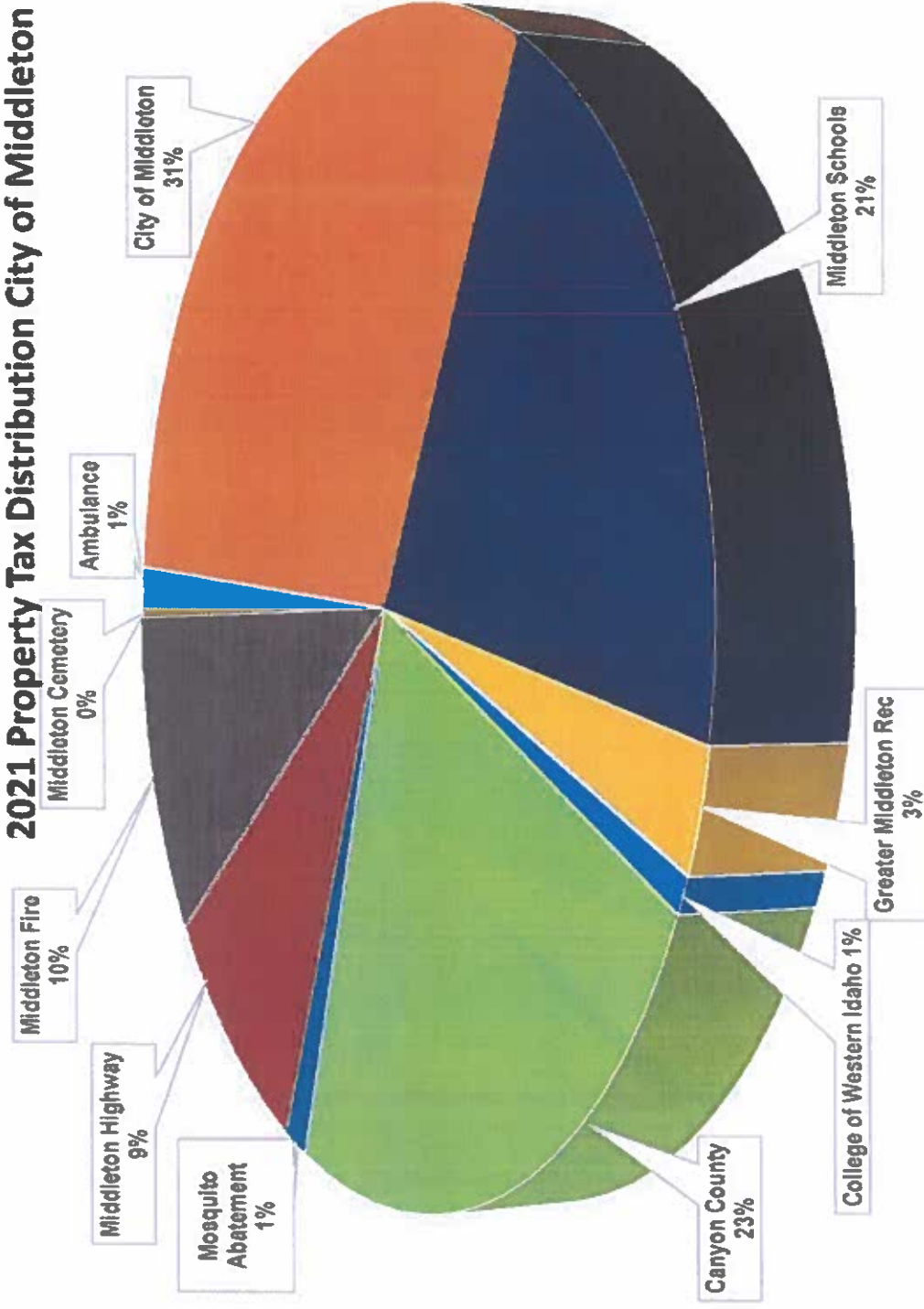
As of August 30, 2022, the total existing bonded indebtedness of the District, including interest accrued, is \$27,767,346.

IN FAVOR of issuing bonds in the principal amount not to exceed \$59,435,000 for the purposes stated in the question above	<input type="checkbox"/>
AGAINST issuing bonds in the principal amount not to exceed \$59,435,000 for the purposes stated in the question above	<input type="checkbox"/>

How much of my taxes goes to Middleton Schools?

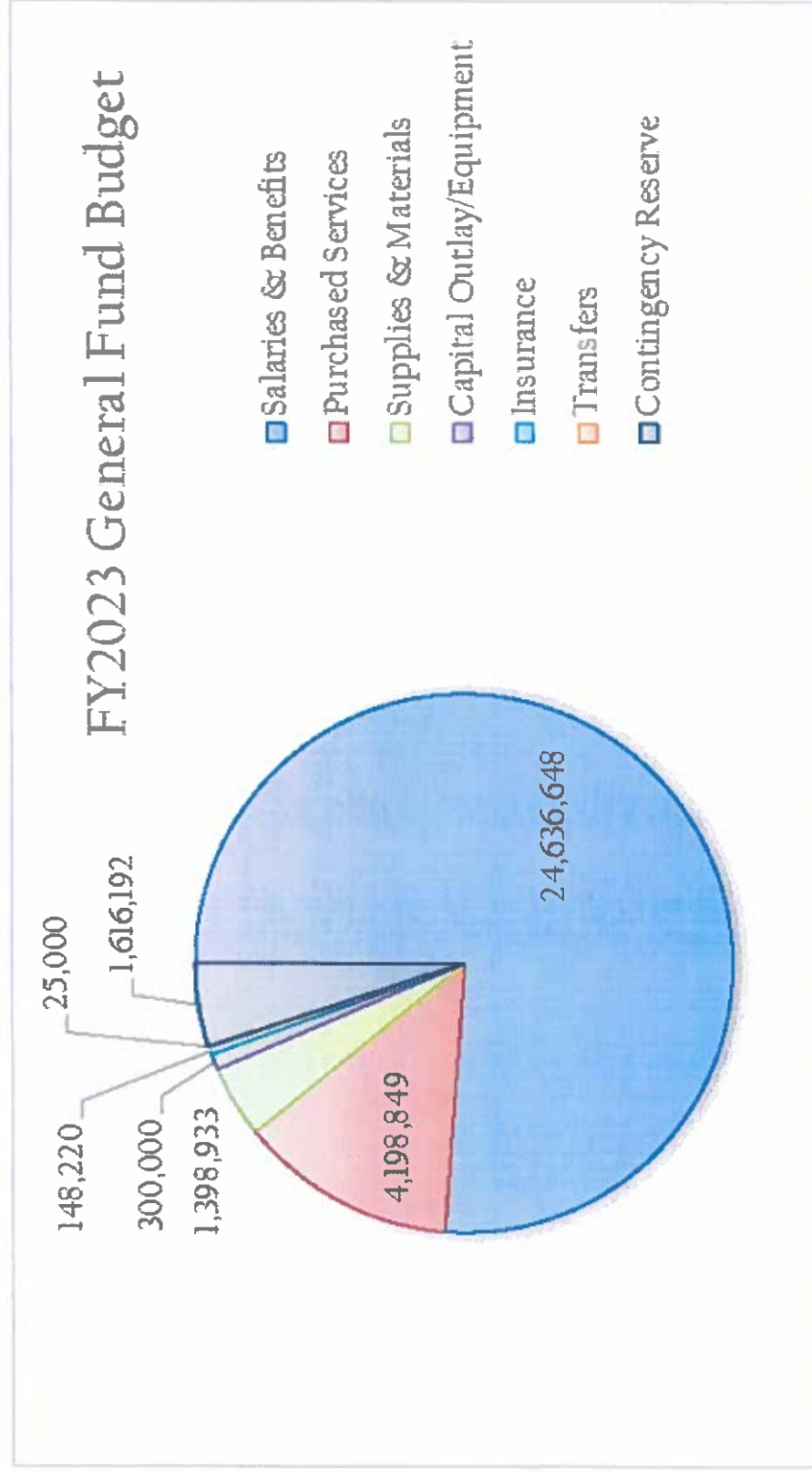
Middleton Schools take about 20 percent of total taxes collected in this area.

2021 Property Tax Distribution City of Middleton



From: <https://www.canyonco.org/elected-officials/assessor/all-taxing-districts/> Click on the Middleton tab.

Here is a breakdown of the Middleton School District's 2022-2023 budget. [Review budget information and financial reports here.](#)



VOTER INFORMATION

Who is eligible to vote?

Middleton School District residents who are age 18 or older on August 30th, 2022, Election Day, and are registered voters.

How do I register to vote?

If you have moved or are not registered, you will need to register at the poll or before Election Day.

[You can register here.](#)

You will need one of the following:

- A valid Idaho driver license issued through the Department of Transportation
- A valid Idaho identification card issued through the Department of Transportation
- Any document which contains a valid address in the precinct together with a picture identification card
- Students may also use a current valid student identification card from a post secondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct together with a picture identification card.

Is early voting available?

If you want to vote early (or cast an absentee ballot) and avoid the in-person polls, visit [Elections](#) on the Canyon County website.

Where do I vote in person?

Polling places should be determined by August 1. Once we have those, we'll post them here and on the Web page.